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New York Collection.



**L A W S**  
OF THE  
**STATE OF NEW-YORK,**  
PASSED AT THE  
**FIFTY-FIFTH SESSION**  
OF THE  
**LEGISLATURE,**  
BEGUN AND HELD AT THE CITY OF ALBANY,  
THE THIRD DAY OF JANUARY, 1832.

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# LAWS

OF THE

## STATE OF NEW-YORK,

PASSED AT THE FIFTY-FIFTH SESSION OF THE LEGISLATURE,  
BEGUN AND HELD AT THE CITY OF ALBANY, THE  
THIRD DAY OF JANUARY, 1832.

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### CHAPTER I.

AN ACT to authorise the Superintendents of the Poor of  
the County of Broome to sell Land.

Passed January 13, 1832.

*The People of the State of New-York, represented in  
Senate and Assembly, do enact as follows :*

§ 1. The superintendents of the poor of the county of  
Broome may sell and convey by deed, the farm of about fifty  
acres, conveyed to them by Christopher Eldridge, and take  
from the purchaser a bond and mortgage on the same land, for  
the security of the payment of the consideration of such pur-  
chase.

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### CHAP. 2.

AN ACT to revive and amend the Act entitled "An Act  
to authorise the building of a Toll-Bridge over the  
Hudson River," passed 2d April, 1825, and the Act  
amendatory thereof, passed May 2, 1829.

Passed January 18, 1832.

*The People of the State of New-York, represented in  
Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act to authorise the building of  
a toll-bridge over the Hudson river," passed April second,  
one thousand eight hundred and twenty-five, and the act  
amendatory thereof, entitled "An act to revive and amend

Acts revived  
and extended  
for 3 years.

the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river,' passed April second, one thousand eight hundred and twenty-five," and which amendatory act was passed May second, one thousand eight hundred and twenty-nine, be and the same are hereby revived and extended, so as to give to said company three years from the passing of this act to build said bridge, and to continue in force the said two acts in this section mentioned, during that time, any thing in the said act to the contrary notwithstanding.

Rates of toll.

§ 2. The president and directors of the said company may demand, and receive and take, the following rates of toll for passing said bridge, viz: For every four wheel pleasure carriage drawn by two horses, nineteen cents, and if drawn by four horses, twenty-five cents; for every two wheeled pleasure carriage for the conveyance of two or more persons, if drawn by one horse, twelve and a half cents, and if drawn by two horses, fifteen cents; for every two wheeled carriage for the conveyance of one person, drawn by one horse, nine cents, and if drawn by two horses, twelve and a half cents; for every wagon drawn by two horses, twelve and a half cents, and if drawn by four horses, nineteen cents; for every wagon drawn by one horse, nine cents; for every stage drawn by four horses, twenty-five cents, if drawn by two horses, nineteen cents; for every sled drawn by two horses, nine cents; for every ox cart or wagon drawn by two oxen, twelve and a half cents; for each additional yoke of oxen, six cents; for every one horse cart, six cents; every one horse sled, six cents; each foot passenger, three cents; every horse, jack or mule, three cents; every cow or other neat cattle, three cents; for every score of sheep or hogs, twenty cents.

Duration of charter.

§ 3. The charter of incorporation granted by the first act mentioned in the first section of this act, shall be and continue for the space of forty years from the passing of this act; and Jacob Quackenbush, Nicholas Masters, William Knickerbacker, John Van Veghten and John Stewart, shall be the first directors of said company, and Seth Eddy treasurer; and any thing in the two acts hereby revised and amended, contrary to this act, is hereby repealed.

### CHAP. 3.

**AN ACT** *authorising the Board of Supervisors of the County of Monroe to raise Money to complete the Jail of said County.*

Passed January 18, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors of the county of Monroe are hereby authorised, at their annual meeting in one thousand eight hundred and thirty-three, to assess and raise the sum of five thousand dollars, together with treasurer and collectors' fees, and interest thereon, as other county charges are assessed and collected ; and when so collected shall be subject to the order of the said board of supervisors, for the purpose of completing the jail now erecting in said county. Money to be raised by tax.

§ 2. The said board of supervisors are hereby authorised to loan the said sum of five thousand dollars, and to pledge the said tax hereby authorised to be raised for the repayment thereof. May be loaned.

### CHAP. 4.

**AN ACT** *to incorporate the Newburgh Whaling Company.*

Passed January 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. William Roe, John P. De Wint, Abraham M. Smith, John Harris, Samuel Williams, Benoni H. Howell, Benjamin Carpenter, Christopher Reeve and Augustus F. Scofield, and such others as now are or hereafter may be associated with them, for the purpose of engaging in the whale fishery in the Atlantic and Pacific oceans, and elsewhere, and in the manufacture of oil and spermaceti candles, are hereby constituted a body corporate, by the name of The Newburgh whaling company, to be located in the village of Newburgh. Corporation created.

§ 2. The capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars, and be divided into shares of fifty dollars each ; but it shall be lawful for the said corporation, when and so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid in, and an affidavit to be made by the president of the said com-

pany, showing that the said sum of fifty thousand dollars has been so paid in, shall be filed in the office of the secretary of state, to commence its said business; and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned.

Subscriptions  
to stock.

§ 3. The subscription to the said stock shall be opened under the direction of William Roe, John P. De Wint, Abraham M. Smith, John Harris, Samuel Williams, Benoni H. Howell, Benjamin Carpenter, Christopher Reeve and Augustus F. Scofield, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days and at such places in the village of Newburgh as they shall appoint, giving at least fourteen days' previous notice of such time and place of receiving subscriptions, in two of the public newspapers, one printed in the said village of Newburgh, and the other in the city of New-York; and the sum of five dollars on each share subscribed shall be paid to the said commissioners at the time of subscribing as aforesaid; and in case the amount of two hundred thousand dollars of the stock shall not be taken on said day, then the said commissioners may, on such other day or days, and at such other place or places, as they shall from time to time appoint, receive further subscriptions, until the whole required capital stock shall have been subscribed for and taken up.

Distribution  
of stock.

§ 4. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto, in such manner and to such amount, as they shall deem most advantageous to the interests of the corporation; but no such distribution shall be made until fifty thousand dollars of such stock shall have been subscribed.

Directors.

§ 5. The stock, property, affairs and concerns of the said corporation shall be managed and conducted by nine directors, who shall choose one of their number to be their president, and who shall hold their offices for one year from the first Tuesday of January in every year; which said directors, except those appointed by this act, shall be stockholders to an amount not less than ten shares, and citizens of the United States; and the said directors shall be elected on the last Tuesday in December in every year, and at such time of the day, and at such place in the village of Newburgh, as a majority of the directors for the time being may appoint; and the said directors shall appoint three of the stockholders of the said company, who are not directors, to be inspectors of the said annual election; and public notice of such election shall be given by the directors, not less than fourteen days previous to the time of holding the same, by an advertisement to be in-



asserted in one of the newspapers printed in the village of Newburgh: such election shall be made by ballot, either in person or by proxy, and each stockholder shall be entitled to give one vote for each share held by him; and the nine persons having the greatest number of votes at an election shall be directors; but if at any election it shall so happen, that nine directors shall not be elected upon the first ballot, by the greatest number of votes, by reason of two or more persons receiving an equal number of votes, then the directors in office at the time of such election, shall appoint a sufficient number of persons from among those having an equal number of votes, to complete the number of nine directors. And if any vacancy shall at any time happen among the directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, by such person as the remainder of the directors for the time being shall appoint: and the persons above named as commissioners, shall be directors until the first Tuesday in January, in the year one thousand eight hundred and thirty-three.

§ 6. In case it should at any time happen that an election of directors should not be made on the day upon which, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved; but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws and ordinances of the said corporation; and until such new election shall be had, the directors of the preceding year shall continue to be directors of the said corporation. Election.

§ 7. The president and directors of the said company may call for and demand of the stockholders or subscribers for stock respectively, all such sums of money as are by them respectively subscribed; which said sums such stockholders and subscribers are hereby declared liable to pay, at such times and in such proportions as the said president and directors shall deem best for the interest of the company, the said president and directors giving thirty days previous notice of such call or demand in one of the public newspapers printed in the village of Newburgh, and also in a public newspaper printed in the city of New-York; and in case of failure to pay the same, the said president and directors may declare the shares of such subscriber or stockholder so failing, forfeited, and such shares, with all previous payments made thereon, shall be thereby forfeited and become the property of the said corporation. Calls on stockholders.

§ 8. No transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. The stock shall be deemed to be personal property. Transfers.

**Real estate.** § 9. The said corporation shall be authorised to purchase and hold real estate to an amount not exceeding twenty-five thousand dollars, and convey the same.

**Restriction.** § 10. It shall not be lawful for the said company to employ any part of their joint funds, or capital stock, in the buying of oil or sperm in the state of New-York, or in any other state of the United States.

**Duration of act.** § 11. The said corporation shall continue during the period of twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

**Rights reserved.** § 12. The legislature may at any time alter, modify or repeal this act.

**Foreigners.** § 13. No foreigner shall ever be a stockholder, or in any way interested in said company.

**Act to take effect.** § 14. This act shall take effect from the passage thereof.

## CHAP. 5.

*AN ACT relative to the collection of Taxes in the Town of Franklinville, in the County of Cattaraugus.*

Passed January 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**F. Carpenter may collect taxes.**

§ 1. It shall be lawful for Frederick Carpenter, collector of the town of Franklinville in the county of Cattaraugus, to collect the amount of the tax-roll of said town, as amended by the clerk of the board of supervisors, since the adjournment of said board, by adding thereto the sum of two hundred dollars, together with the collector's fees thereon, pursuant to resolution of said board, but which sum was, in the original tax-roll, omitted.

**To settle with county treasurer.**

§ 2. The time for the said collector to settle with the county treasurer, is hereby extended to the first day of March next ; but such extension shall not be given unless the surety of the said collector shall first file in the clerk's office of said county, their written assent thereto, signed and sealed ; upon which, this act shall take effect.

§ 3. This act shall take effect immediately after its passage.

## CHAP. 6.

## AN ACT to incorporate the Mutual Benefit Society of Mechanics in the City of New-York.

Passed January 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be established and located in the city of New-York, a charitable society, by the name of the Mutual Benefit Society of Mechanics in the city of New-York. Name of society.

§ 2. Abraham Carlock, William Wright, Edward Town-ley and George W. Macpherson, and such other persons as shall hereafter become members of said society, are hereby constituted a body corporate, by the name aforesaid. Corporation created.

§ 3. The said corporation shall have power to prescribe rules and regulations for the admission of members, and for expelling them for the non-observance of its by-laws. By-laws.

§ 4. The object of this society is to afford mutual relief to the members thereof, and their families, in cases of sickness or death. Object of society.

§ 5. The corporation may purchase and hold real and personal estate, for their use and benefit, but the same shall not exceed, at any one time, five thousand dollars. Estate.

§ 6. This corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 7. The legislature may at any time hereafter alter, modify or repeal this act. Rights reserved.

## CHAP. 7.

## AN ACT to amend the Act entitled "Of Courts held by Justices of the Peace."

Passed January 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The party procuring a certiorari need not execute the bond required by law to be given in such case; and the same shall be sufficient if executed by two or more securities, whose competency shall be approved by the judge allowing the cer-

tiorari, or the justice on whose judgment the certiorari is brought.

§ 2. This act shall take effect immediately after its passage.

## CHAP. 8.

AN ACT for the improvement of the *Literature Fund*.

Passed January 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Regents to transfer stock, &c.

§ 1. The regents of the university shall, within sixty days after the passage of this act, transfer to the comptroller all the stock, money, securities and property belonging to the literature fund in their possession, or under their control.

Accounts to be audited.

§ 2. The comptroller shall annually audit and settle the accounts for necessary incidental expenses of the said regents of the university.

Schedule to be made yearly.

§ 3. The regents of the university shall annually deliver to the comptroller a schedule of the distribution of the income of the said literature fund, designating the several institutions entitled to a participation, and the amount awarded to each; which schedule shall be delivered immediately after each annual distribution, and shall be authenticated by the signature of the chancellor and secretary of the said regents of the university, and their corporate seal.

Warrant on treasurer.

§ 4. The comptroller shall draw his warrant on the treasurer in favor of each institution, for the sum so awarded to it, and shall direct the manner in which the same shall be receipted and drawn from the treasury.

## CHAP. 9.

AN ACT relating to *Jurors in the County of Franklin*.

Passed January 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The clerk of the county of Franklin shall draw the names of twenty-four persons, instead of thirty-six, to serve as jurors in any circuit court, or sittings, or any special court of oyer and terminer, when no circuit is appointed to be held at

the same time, or in any court of common pleas or general sessions of that county; and also any number of jurors in addition thereto, that shall have been ordered according to law.

§ 2. This act shall take effect immediately after its passage.

## CHAP. 10.

AN ACT *directing a Special Circuit Court to be held in the County of Oswego.*

Passed January 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. A special circuit court shall be held in and for the county of Oswego, at the court-house in the eastern jury district thereof, to commence on the third Tuesday of April next, and the said court may be continued by adjournment from day to day, as often, and continue as long as the said court shall deem proper. Special court in April 1832.

§ 2. All the provisions of law relative to circuit courts, except so far as the same may be modified by this act, shall be applicable to the court herein directed to be held. Provisions of law.

§ 3. It shall be the duty of the circuit judge of the fifth district, to attend at and hold the said circuit court, so long as he may deem it necessary to do so. Circuit Judge

§ 4. No person bound by recognizance or otherwise to appear at any circuit court to be held in and for said county of Oswego, shall be bound to appear at said court, authorised to be held by this act. Recognizance.

§ 5. No issue in any suit in ejectment shall be tried at the court hereby authorised to be held. Ejectment suits.

§ 6. This act shall take effect from and immediately after the passage thereof. Act to take effect.

## CHAP. 11.

AN ACT to amend and extend the Act, entitled "*An act to incorporate the Sodus-Bay Bridge Company,*" passed the 9th day of April, 1819.

Passed January 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Act of 1819  
extended.

§ 1. The act entitled "*An act to incorporate the Sodus-bay bridge Company,*" passed April 9th, 1819, is hereby extended, and shall continue in force, until the ninth day of April, in the year one thousand eight hundred and fifty-two.

Election of  
directors.

§ 2. There shall be an election of directors, on the first Monday in May next, at the tavern, now occupied by Mr. Graham, near the east end of the bridge, owned by the company; of which election, twenty days' written notice shall be given, by serving a copy thereof on all the persons interested in the stock of the said company, and on all the persons owning and interested in any portion of the property of the said corporation.

How to be  
held and cer-  
tified.

§ 3. Such election shall be held by Byram Green and Norman Sheldon, who shall declare the result thereof, and certify the same, under their hands, to the clerk of the county of Wayne, who shall file the same and deliver a copy of such certificate to the persons elected directors, or to some one of them. And the persons holding such election, shall be entitled to three dollars a day for their services.

Owners of  
stock.

§ 4. The persons owning the said bridge, and property of the said corporation, shall be deemed to be the owners of the stock of said corporation, and entitled to vote at such election, according to their respective interests, reference being had to the original number of shares of the stock of said company.

Board of di-  
rectors.

§ 5. The board of directors shall be organized in the manner prescribed by the act hereby amended; they shall issue certificates of the stock of the said company to the persons entitled thereto; they shall appoint a day and place for the annual election of directors, and twenty days' written notice of the time and place of holding such annual election, shall be given for all future elections; which notice shall be signed by the secretary of said company, and served on each stockholder, by delivering the same to him or her, or by leaving the same at his or her place of abode, and such subsequent elections shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election, by the board of directors.

§ 6. From and after the ninth day of April, one thousand eight hundred and thirty-nine, the corporation, herein mentioned, shall be subject to the provisions contained in the third title of the eighteenth chapter of the Revised Statutes. Subject to R. Statutes after 1859.

§ 7. Such parts of the act hereby amended, as are inconsistent with the provisions of this act, are hereby repealed. Repeal.

## CHAP. 12.

### AN ACT *respecting the Loan Officers of the City and County of New-York.*

Passed January 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the loan officers of the city and county of New-York to assign and set over to any person or corporate body, their heirs and assigns, on their paying the principal and interest due thereon, all mortgages on lands, which may have been mortgaged to said loan officers and their predecessors in office, which have not been cancelled and paid ; and thereupon, the assignees of such mortgages, their heirs and assigns, shall be possessed of all the right, title and interest which the people of the state of New-York and the said loan officers have in and to the same, and shall be entitled to take all lawful means in their own name for the collecting of the money due, or to become due thereon, which the said people and the said loan officers now have, or may have, for the collection of the same : but the people of this state are in no event to be made liable by such assignment for the repayment of the principal and interest, or any part thereof, in case the same shall not be recovered of the mortgagor or mortgagors, their heirs or assigns, or from the sale of the premises thus mortgaged. Mortgages may be assigned.

§ 2. It shall be the duty of said loan officers to account with the comptroller of this state for their doings in the premises, and to pay to the treasurer of the state the moneys so received on transfer of the said mortgages. Officers to account.

## CHAP. 13.

**AN ACT to empower the Commissioners of Highways of the Town of Watervliet to open a highway in said town.**

Passed February 1, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Water-street  
may be contin-  
ued.

§ 1. The highway known and designated as Water-street, in the village of Port Schuyler, in the town of Watervliet, shall be continued northwardly, and in the direction, and of the width of said Water-street, until it shall intersect the Watervliet turnpike road.

Commission-  
ers.

§ 2. William Peirce, Joseph D. Selden, and Harvey Betts, of the city of Troy, are hereby appointed commissioners for appraising the damages, which the owners of lands through which said street shall be continued, may sustain, to be estimated and appraised in the same manner as is required by article third, chapter ninth, part first, of the Revised Statutes, in cases of damages on the public canals. Said commissioners shall file in the office of the clerk of said town, a certificate, signed by them, of the names of the persons interested, and the sums estimated to each for their damages in opening said street.

Street, when  
to be opened.

§ 3. Whenever a sum of money shall be raised by voluntary subscription, and paid to the commissioners of highways of said town, equal to the sums appraised to the owners of the ground appropriated to the public use in opening said street, then the commissioners of highways of said town shall cause the said street to be opened and worked, in the manner pointed out in the first section of this bill, as one of the highways of said town, and shall pay over the money to the persons to whom the same shall have been awarded by the appraisers.

## CHAP. 14.

**AN ACT to incorporate the Hebrew Benevolent Society of the City of New-York.**

Passed February 2, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Name.

§ 1. There shall be established and located in the city of New-York, a charitable society, by the name of the Hebrew benevolent society of the city of New-York.



§ 2. Moses B. Seixas, Louis Levy, Daniel Jackson, Solomon Seixas, John I. Hart, Myer Levy, Mordecai M. Noah, Myer Moses, Joseph Levy, and such other persons as are or may become members of said society, are hereby constituted a body corporate, by the name aforesaid. Corporation created.

§ 3. The objects of said society are charitable, and to afford relief to its members, in cases of sickness and infirmity. Objects of society.

§ 4. The corporation shall have power to prescribe rules and regulations for the admission of its members and their government, election of its officers and their duty, and expelling any of its members for not observing its laws. By-Laws.

§ 5. The annual income of the real and personal estate, which the said corporation may at any time hold, shall not exceed two thousand dollars. Annual income.

§ 6. The persons now acting as officers of the company or association, in the city of New-York, known as the Hebrew benevolent society, shall hold their offices until others are elected in their places. Officers.

§ 7. The corporation shall possess the general powers, and be subject to the general restrictions and liabilities, prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 8. The legislature may, at any time, modify, alter or repeal this act, or any of its provisions. Rights reserved.

## CHAP. 15.

AN ACT authorising certain persons therein named, to change their names.

Passed February 8, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Martin Hoar, Lorin Hoar, Lyman Hoar, and Lester Hoar, of the town of Harmony, in the county of Chautauque, may each respectively assume and take the surname or family name of Hobart; and after the passage of this act, the families of the said persons named in this section shall respectively be called and known by the name of Hobart, instead of Hoar.

## CHAP. 16.

AN ACT *altering the name of Jacob Adrian Van Den Heuvel.*

Passed February 8, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From and after the passage of this act, Jacob Adrian Van Den Heuvel, of Heuvelton, in the county of St. Lawrence, shall be called and known by the name of Jacob Adrian Van Heuvel.

## CHAP. 17.

AN ACT *granting authority to the Supervisors of the County of Westchester to raise a sum of money to purchase land, and make improvements for the use of the poor.*

Passed February 8, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors of the county of Westchester are hereby authorised, at their annual meeting, to assess, and raise a sum not exceeding three thousand five hundred dollars, together with treasurers' and collectors' fees thereon, as other county charges are assessed and collected ; and when so collected shall be subject to the order of said supervisors, for the purpose of purchasing land and making necessary improvements for the use of the poor of said county.

## CHAP. 18.

AN ACT *to divide the Town of Pembroke in the County of Genesee.*

Passed February 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From and after the first day of April next, all that part of the town of Pembroke, in the county of Genesee,

Town of Darian erected.

known as numbers elevens in the third and fourth ranges of townships, agreeably to the Holland land company's survey, shall constitute a separate town by the name of Darien; and the first town-meeting shall be held on the first Tuesday in April next, at the house of Stephen King.

§ 2. All the remaining part of the town of Pembroke shall be and remain a separate town by the name of Pembroke; and the first town-meeting therein shall be held on the first Tuesday in April next, at the house of John Earl. Pembroke to remain.

§ 3. The supervisors and overseers of the poor of said towns shall, on the second Tuesday of April next, meet at the place of the last town-meeting of the said town of Pembroke, and apportion the poor and poor moneys, and other funds, to the said towns, agreeably to the last assessment roll of the said town of Pembroke. Funds.

## CHAP. 19.

AN ACT to incorporate the City of Utica.

Passed February 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The district of country in the county of Oneida, now comprising the village of Utica, and contained within the following bounds, that is to say: Beginning at a point on the south side of the Mohawk river, where the division line between lots number ninety-nine and one hundred, in Cosby's manor, strikes the said river; thence running southerly in the said division line, to a point fifty chains southerly of the great road leading to Fort Stanwix; thence south fifty-three degrees east, to the easterly line of the county of Oneida; thence northerly in the said county line to the Mohawk river; thence westerly up the middle of said river, to the place of beginning: shall hereafter be known by the name of the "City of Utica." Bounds of the city.

§ 2. The inhabitants of said city shall be a corporation, by the name of "The City of Utica," and may sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; and take, hold, purchase and convey, such real and personal estate, as the purposes of the corporation may require. Corporation created

§ 3. Said city shall be divided into four wards, as follows: That part which lies easterly of the middle of Genesee-street, City divided into 4 wards.

and northerly of the centre of the Erie canal, shall be the first ward; that part which lies westerly of the middle of Genesee-street, and northerly of the centre of the said canal, shall be the second ward; that part which lies westerly of the middle of Genesee-street, and southerly of the centre of the said canal, shall be the third ward; and that part which lies easterly of the middle of Genesee-street, and southerly of the centre of said canal, shall be the fourth ward.

Officers.

§ 4. There shall be in and for said city, one mayor, twelve aldermen, four justices of the peace, one clerk, one supervisor, one treasurer, one or more collectors, four assessors, three constables, and such other officers as are hereinafter authorized to be appointed.

First election.

§ 5. An election shall be held in each of the wards of said city, on the first Tuesday in March, in each year, at such place as the common council of said city shall appoint, and of which six days' previous public notice shall be given in writing, in three public places in each ward, by the inspectors thereof.

Officers to be elected.

§ 6. At such election there shall be elected three aldermen and one assessor for each ward; and one justice of the peace, or a greater number, in case of a vacancy; one supervisor and three constables, for said city.

Inspectors.

§ 7. The common council shall for that purpose appoint for each ward three persons, residents of the ward for which they shall be appointed, who shall be inspectors of such election; such inspectors shall have the same powers and authority, as the inspectors of a general state election.

Electors to vote by ballot.

§ 8. The electors shall vote by ballot, and each person offering to vote, shall deliver his ballot so folded as to conceal the contents, to one of the inspectors, in the presence of the board.

Ballots, how made.

§ 9. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons as designated to any office, than there are persons to be chosen at the election to fill such office.

How endorsed.

§ 10. On the outer side of each ballot when folded, there shall appear, written or printed, one of the following words, "ward," "city:" but no ballot found in the proper box, shall be rejected for want of such endorsement.

Ward and city.

§ 11. The ballot endorsed "ward," shall contain the names of the persons designated by the elector, for the offices of aldermen and assessor, any or either of them; that endorsed

"city," the names of the persons designated for the offices of justice of the peace, supervisor and constable, any or either of them; and such ballots shall be deposited in separate boxes to be provided by the common council for that purpose.

§ 12. If there be one or more vacancies to be supplied in the office of justice of the peace, it shall not be necessary to designate on the ballot for which term the person voted for is intended; but it shall be afterwards determined by lot, in the same manner as in towns of this state, for which term the persons respectively elected shall serve. Vacancies.

§ 13. The polls of such election shall be opened at nine o'clock in the forenoon, and continue open until four o'clock in the afternoon of the same day, and no longer. Poll-lists shall be kept in the same manner, as nearly as may be, as is provided by law for keeping poll lists at the general state elections. Polls of elections.

§ 14. Every person voting at such election, shall be an actual resident of the ward in which he votes; and shall, if required by any person qualified to vote thereat, before he is permitted to vote, take the following oath: "You do swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years; that you have been an inhabitant of this state for one year next preceding this election, and for the last six months a resident of this county; that you are now a resident of this ward, and that you have not voted at this election." If the person be a coloured man, he shall (if required as aforesaid) before he is permitted to vote, take the following oath: "You do swear (or affirm) that you are of the age of twenty-one years; that for three years you have been a citizen of this state; that you have been an inhabitant of this state for one year next preceding this election, and during that time have been and now are seised and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and have been actually rated and paid a tax thereon; that you have been for the last six months a resident of this county; that you are now a resident of this ward, and that you have not voted at this election." Qualifications of voters.

§ 15. After the poll of any such election is closed, the inspectors holding the same in each of said wards, shall, on the same or next day, canvass the votes given at such election. The canvass shall be public, and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree. The ballots shall be counted unopened, except so far as to ascertain that each ballot is single; and if two or more ballots shall be found so folded as to present the appearance of a single ballot, they shall be destroyed. Canvass of votes.

Excess of  
ballots to be  
destroyed.

§ 16. If the ballots shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened, as shall be equal to such excess. The ballots and the lists being found or made to agree, the inspectors holding such election, shall then proceed to canvass and estimate the votes.

Canvassers  
to make  
statement,

§ 17. The canvass being completed, a statement of the result shall be drawn up in writing by the inspectors, which they shall certify to be correct, and subscribe with their names, and file the same with the clerk of said city, on the same or the next day after the canvass is completed. The inspectors of each ward shall severally determine and certify who are, by the greatest number of votes, elected aldermen and assessors of their respective wards.

and deliver it  
to common  
council

§ 18. The clerk shall deliver such statements and certificates to the common council at their next meeting after such election, who shall, upon such statements and certificates, proceed and declare what persons have been duly elected to the office of justice of the peace, supervisor and constable, or either of them; and the persons having the greatest number of votes in the whole city for the last mentioned offices respectively, shall be declared to be duly elected. The said common council shall make a certificate of their determination, which shall be signed by the members present of said common council, and be filed with the clerk.

• Voters ex-  
empt from ci-  
vil process.

§ 19. No person entitled to vote at any election held under this act, shall be arrested on civil process within said city, on the day on which such election is held.

Inspectors of  
first election.

§ 20. The present trustees of the village of Utica, or such persons as they shall appoint, shall be inspectors of the election to be held under this act, on the first Tuesday of March next. Such election shall be held and conducted, and the votes given thereat, canvassed by said inspectors, and the result determined in the manner herein before provided.

Special elec-  
tions.

§ 21. Vacancies in the office of alderman or justice of the peace, occurring in any manner, may be filled at a special election, called and appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other offices shall be filled by appointment by the common council. All appointments to fill a vacancy in an elective office under this act, and all appointments of mayor, clerk, treasurer, attorney for the city, police constables, collectors, street commissioner, and overseers of the poor, shall be by warrant under the corporate seal, signed by the mayor or presiding officer of the common council, and clerk. In case of a failure to elect aldermen at an annual election, or if from any cause there shall be no aldermen, the clerk shall appoint the time

and places for holding a special election, and appoint the inspectors.

§ 22. All officers appointed or elected to any office, under or by virtue of this act, shall be appointed or elected annually, except justices of the peace; but all officers appointed by the common council, except to fill a vacancy in an elective office, shall continue in office until their successors are appointed, and take the constitutional oath of office. The term of office of all elective officers under this act, except justices of the peace, shall expire on the first Monday after the first Tuesday in March in each year. Justices of the peace shall enter on the duties of their office on the first day of January next after their election, and shall hold their offices for four years thereafter, except when elected to fill a vacancy. They shall be divided into classes, and may be removed from their offices in the same manner as justices of the peace in towns.

What officers to be elected annually.

§ 23. The justices of the peace heretofore elected at any charter election in the village of Utica, shall be justices of the peace for the city of Utica, until the expiration of the term of office for which they were respectively elected.

Justices of the peace.

§ 24. The justices of the peace, clerk, supervisor, collectors, assessors, constables, overseers of the poor, pound masters and fence viewers, elected or appointed under or by virtue of this act, shall, except as otherwise directed and provided in this act, have the same powers and privileges, and perform the same duties and be subject to the same liabilities respectively, as like officers in the several towns of this state; but the police constables appointed by the common council in pursuance of this act, shall not have power to serve any civil process out of the limits of said city, except in cases of persons fleeing from said city, and to commit on execution where the defendant shall have been arrested within said city.

Powers of justices, clerk, &c.

§ 25. The mayor and aldermen of said city shall constitute the common council of said city. The common council shall meet at such places and times as they shall by resolution direct, or as the mayor, or in his absence, any two of the aldermen, shall appoint. The mayor, when present, shall preside at all the meetings of the common council. In his absence, any one of the aldermen may be appointed to preside.

Common council.

§ 26. The common council shall meet annually on the second Tuesday of March in each year, and by ballot appoint a mayor, clerk, treasurer, attorney for the city, street commissioner, two police constables, clerk of the market, one or more collectors and overseers of the poor, one or more pound masters, and fence viewers, porters, carriers, cartmen, packers, beadles, bellmen, sextons, common criers, scavengers, measurers, surveyors, weighers, sealers of weights and measures, and gaugers. If for any cause the officers above named are

Mayor, &c. how to be appointed.

not appointed on said second Tuesday of March, the common council may adjourn from day to day until such appointments are made; and no alderman shall be appointed to the office of mayor.

Mayor to act  
as justice in  
criminal cases.

§ 27. The mayor, in virtue of his office, shall possess the same powers and authority as are by law vested in any justice of the peace in the towns of this state, in criminal cases.

Penalty for  
neglect or re-  
fusal to ac-  
cept office.

§ 28. If any inhabitants of said city, elected to any office in pursuance to this act, shall refuse or neglect to accept such office, and take and subscribe the oath of office prescribed in the sixth article of the constitution, for five days after personal notice in writing from the clerk of his election or appointment, he shall forfeit the sum of twenty-five dollars.

Certain off-  
cers to take  
oath.

§ 29. Every person chosen or appointed to any executive, judicial or administrative office under this act, shall, before he enters on the duties of his office, take and subscribe before some justice of the peace or commissioner of deeds, the oath of office prescribed in the sixth article of the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the clerk of the city; except that justices of the peace, elected under this act, shall take and subscribe such oath before the clerk of Oneida county, and file the same in his office.

Others to  
give bond.

§ 30. The treasurer, street commissioner, and collector or collectors of said city, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Utica in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively; which bonds, with the approval of the common council thereon certified by the clerk, shall be filed with the clerk of the city.

Constables to  
give sureties.

§ 31. Every person elected or appointed to the office of constable in said city, shall, before he enters on the duties of his office, with two or more sureties to be approved by the common council, execute in the presence of the clerk of the city, an instrument in writing, by which such constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay, on account of any execution which shall be delivered to him for collection. The clerk of the city shall certify the approval of the common council on such instrument, and file the same; and a copy of such instrument, certified by the clerk under the corporate seal, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties. All actions on any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable



named therein shall have been elected or appointed, and may be brought in the name of the person or persons entitled to the money to be collected by virtue of such instrument.

§ 32. The treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures, in such manner as the common council shall direct. All moneys shall be drawn from the treasurer, in pursuance of an order of the common council, by warrants signed by the clerk and countersigned by the mayor. Such warrants shall specify for what purpose the amount specified therein is to be paid; and the clerk shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose. The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures, after the date of his last annual report, and also of the state of the treasury; which account shall be filed in the office of the clerk.

§ 33. It shall be the duty of the common council, at least ten days before the annual election held under this act, in each year, to cause to be published in two or more of the public newspapers in said city, a full and correct statement in detail of the receipts and expenditures by the said common council, for the contingent expenses of said city, from the date of the last annual report published in pursuance of this section, to the date of their said report; and also a distinct statement of the whole amount of money assessed, received and expended, for making and repairing roads, highways and bridges in said city, for the same period; and also a distinct statement of the moneys received and expended for the support of common schools during the same period, together with such other information in their power to furnish, as may be necessary to a full understanding of the financial concerns of said city.

§ 34. The clerk shall keep the corporate seal, and all the papers belonging to said city, and make a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

§ 35. It shall be the duty of the street commissioner to superintend the making of all public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same; to keep accurate accounts of all moneys expended by him in the performance of any work, together with the cause of such expenditure, and to render such account to the common council; but no contract or agreement made by such commissioner shall be

binding on the corporation, until the same is ratified by the common council; but when so ratified, it shall be of the same effect as if executed under the corporate seal, and signed by the mayor and clerk.

Mayor's salary.

§ 36. The common council may grant and allow to the mayor of said city for the time being, in lieu of all fees and perquisites, (except such fees and perquisites as he may be entitled to as a justice of the peace,) an annual salary not exceeding two hundred and fifty dollars, payable out of the treasury. The treasurer, clerk, street commissioner, police constables, and collector or collectors, shall also be paid out of the treasury such compensation for their services as the common council may deem reasonable.

Officers to deliver property to their successors.

§ 37. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all the property and effects of every description in his possession, belonging to the said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Common council to hold stated meetings.

§ 38. The common council shall hold stated meetings, and the mayor or any two aldermen, may call special meetings, by notice to each of the members of said council, served personally, or left at his usual place of abode: Petitions and remonstrances may be presented to the common council. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation, and shall have power within said city, to make, establish, publish, alter, modify, amend, and repeal ordinances, rules, regulations and by-laws, for the following purposes:

Police regulations.

1. To prevent vice and immorality; to preserve peace and good order.

2. To prevent forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

3. To regulate auction sales, and to restrain and prohibit hawking and peddling in the streets.

4. To restrain and suppress disorderly and gaming houses, billiard tables, and all instruments and devices used for gaming.

5. To restrain or regulate all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical or other shows or exhibitions or performances for money.

6. To direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and others, for any default therein.

7. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

8. To regulate the guaging of casks of spirituous liquors.

9. To regulate the place and manner of selling and weighing of hay, and of selling and measuring of wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

10. To regulate and prevent the running at large of dogs owned by persons residing in said city, and to impose a tax upon the owners or possessors of such dogs.

11. To appoint an examiner of weights and measures.

12. To appoint watchmen, and to prescribe their powers and duties.

13. To prevent immoderate riding or driving in the streets.

14. To abate and remove nuisances.

15. To restrain the running at large of cattle, horses, sheep, and swine; and to cause such as are found running at large, to be impounded.

16. To restrain all mendicants, vagrants, street beggars, or persons soliciting alms or charity.

17. To light the streets of said city.

18. To establish, make, and regulate public pumps and wells, and to prevent the unnecessary waste of water.

19. To establish and regulate public pounds.

20. To survey the boundaries of said city.

21. To prevent any riot or noise, disturbance, or disorderly assemblages.

22. To regulate and restrain runners for boats and stages, and the ringing of bells.

§ 39. The common council shall have power, from time to time, to prescribe the duties of all officers and persons appointed by them to any office or place whatever, subject to the provisions of this act; and may remove all such officers and persons, for incapacity, neglect of duty, or official misconduct. Duties of officers.

§ 40. The common council may make, publish, ordain, By-laws. amend, and repeal all such ordinances, by-laws and police regulations, not contrary to the laws of this state, as may be necessary to carry into effect the powers given to said council by this act; and enforce observance to all rules, ordinances, by-laws and police regulations, made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five dollars for any one offence, to be recovered with costs, in an action of debt, in any court having cognizance thereof. Every such ordinance or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published for three weeks successively in two public newspapers printed and published in said city; and proof of such publication, by the affidavit of the

printer or publisher of said newspapers, taken before any officer authorised to administer oaths, and filed with the clerk of the city, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law in all courts and places.

City newspapers.

§ 41. The common council, at their annual meeting on the second Tuesday in March in each year, or within ten days thereafter, shall designate two public newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required in any case by this act, or the by-laws and ordinances of the common council, to be published in a public newspaper.

Actions, how to be brought.

§ 42. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations, made in pursuance of it, shall be brought in the corporate name; and in any such action, it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act or the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may plead the general issue, and give the special matter in evidence. The first process in any such action, brought before a justice of the peace, shall be by warrant, and execution may be issued thereon immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in one of the jails of Oneida county, for a term not exceeding thirty days. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the corporation; and all penalties and forfeitures, when collected, shall be paid to the treasurer for the use of the city.

Judges and witnesses.

§ 43. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Utica, in any action or proceeding in which the said city is a party or interested.

A sum not exceeding \$8,000 to be raised by tax yearly.

§ 44. The common council shall have power to cause a sum in each year, not exceeding eight thousand dollars, to be raised by tax to defray the expenses of lighting the streets, supporting a night watch, and making and repairing roads, highways and bridges, in said city, and to defray the contingent and other necessary expenses of said city. The taxes assessed and levied in pursuance of this section, shall, except as otherwise herein directed, be assessed and rated by the said council, upon or among the owners of the estates real and personal, in said city, (according to the then last assessment roll made by the assessors of said city,) in the same manner and proportion as nearly as may be, as taxes in and for the county of Oneida

are rated and assessed ; and in the assessment roll made in pursuance of this section, it shall be the duty of the common council to set down and describe briefly the real estate and the amount of the personal estate on or in respect of which any assessment or tax is imposed or assessed. It shall also be the duty of the common council to determine and specify what sum is to be raised yearly to defray the expenses of lighting streets ; what sum for supporting a night watch, and what sum for making and repairing roads, highways and bridges ; and the sums raised to defray the expenses of lighting streets and supporting a night watch, shall be rated and assessed by the said common council, on or among the owners and occupants of the real and personal estates in said city, in a just and equitable manner, as nearly as may be, in proportion to the advantage and security which each shall be deemed to acquire thereby ; and no person or property exempt by law from assessments to work on highways in towns, shall be assessed or taxed for any part of the amount raised for making and repairing roads, highways and bridges. In the assessment roll made under this section, all persons who would be liable by law to be assessed to work on highways, if they resided in any of the towns of this state, shall be enumerated and may be taxed by the said common council, a sum not less than sixty-two and a half cents, nor more than the sum of two dollars and fifty cents, as a poll tax, to raise the amount directed to be raised for making and repairing roads, highways and bridges ; and in said assessment roll the sums taxed or assessed to or on each person, or to or on any parcel or parcels of real estate owned by one person, for making and repairing roads, highways and bridges, shall be set down in a separate column. Said assessment roll shall, when completed and corrected, be filed with the clerk of the city. All taxes and assessments imposed, rated and assessed by the said common council, in pursuance of this section, shall be collected by the collector or collectors of said city, in the same manner and with the same power and authority as taxes in and for the county of Oneida are collected by the collectors of the several towns, by virtue of a warrant under the corporate seal, signed by the mayor, or by suit in the corporate name, with interest and costs. The assessment roll filed with the clerk, shall, in all cases, be evidence on the part of the corporation ; and all taxes and assessments imposed or assessed on, or in respect of any real estate as aforesaid, shall be a lien on such real estate ; and in case such taxes and assessments are not paid, and no personal property can be found by the collector or collectors, out of which to satisfy and collect the same by distress and sale, the common council may cause such real estate to be sold for the payment and collection of such taxes and assessments as aforesaid, together with the expenses of the sale, in the manner and with the effect, and subject to the provi-

sions specified in the forty-ninth section of this act, relative to the sales of real estate, for the non-payment of assessments in that section mentioned; but no such real estate shall be sold as aforesaid, except within one year from the time of the filing of the assessment roll, as aforesaid. All taxes and sums of money raised and collected in pursuance or by virtue of this section, shall be paid to the treasurer of the city.

An additional sum may be raised.

§ 45. If the amount assessed and collected under and by virtue of the forty-fourth section of this act, to defray the expenses of lighting the streets in said city, is not in any one year sufficient for that purpose, the common council shall have power, on the petition or consent in writing of a majority of the persons liable to be assessed therefor, to cause an additional sum to be assessed, levied and collected, sufficient to defray the additional expenses. All assessments authorised by this section, shall be made according to the then last assessment roll, and shall be assessed, levied and collected in the same manner as other taxes, under the forty-fourth section of this act.

Commissioners of highways.

§ 46. The common council shall be commissioners of highways in and for said city, and shall (subject to the provisions of this act,) possess the powers and perform the duties, and be subject to the liabilities of commissioners of highways in towns. They shall have power to regulate, repair, amend, and clean the streets, alleys, highways, bridges, side and cross walks, drains and sewers in said city, and to prevent the incumbering of the same in any manner, and to protect the same from encroachment and injury. They shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees in the streets of said city.

Streets, alleys, lanes and highways.

§ 47. The common council shall have power to lay out, make and open streets, alleys, lanes and highways in said city; and to alter, widen, contract or discontinue any street, alley, lane or highway, in said city; but no building exceeding the value of one thousand dollars, shall be removed in whole or in part, without the consent of the owner. They shall cause all streets, alleys, lanes or highways, laid out by them, to be surveyed, described and recorded, in a book to be kept by the clerk, and the same when opened and made, shall be public highways. Whenever any street, alley, road or highway is laid out, altered or widened by virtue of this section, the common council shall give notice of their intention to take and appropriate the land necessary for the same, to the owner thereof, his agent or legal representatives, if known and residing in this state; and the mayor, or any two aldermen, shall have power by a precept under their seals, to command any constable of said city, to impanel and return a jury of twelve reputable freeholders of said city, not interested or of a kin to

any person interested in the premises, to appear before him or them, within ten days from the date of such precept, to ascertain and assess the damages and recompense due the owner or owners of such land, and at the same time, to determine what persons will be benefitted by such improvement, and to assess the expenses thereof, on the real estate of the persons benefitted, in proportion, as nearly as may be, to the benefit resulting to each; and also to summon the owner of such land, his agent or representatives, by written notice, served personally, or left at his or their usual place of abode, to appear before him or them, on the day specified in said precept. The jury shall be sworn by any justice of the peace of said city, faithfully and impartially to execute their duty in making such assessments, according to the best of their ability. The jury shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day. Such jury shall determine and award to the owner or owners of such land, such damages as they shall judge such owner or owners to sustain in consequence in such street, road, alley or highway, after taking into consideration and making due allowance for any benefit which said owner or owners may derive from such improvement. The said jury shall also, at the same time, assess and apportion the expenses of such improvement, on the real estate benefitted thereby, as nearly as may be, in proportion to the benefits resulting therefrom; and shall describe the real estate on which any assessment is made, under this section, in the same manner as provided in the forty-fourth section of this act, in relation to the assessment of taxes. If there be any building on any land taken for such improvement, the owner thereof shall have ten days, or such time as the common council may allow, after the final assessment of the jury is returned to and confirmed by the common council, to remove the same; and in case such owner removes such building, the value thereof to the owner to remove, shall be deducted from the amount of damages awarded to the owner thereof, and such value shall be, at the time of the assessment, determined by the jury. The determination and assessment of the jury, shall be returned in writing, signed by the jury, to the common council. The common council, after such determination and assessment of the jury is returned to them, as aforesaid, shall give two weeks' notice in two newspapers printed in said city, that such determination and assessment of the jury will, on a day to be specified in said notice, be confirmed by the common council, unless objections by some person interested are made thereto. All objections to any such determination and assessment as aforesaid, shall be briefly stated in writing and filed with the clerk. If no objections are made as aforesaid, the said determination and assessment of the jury shall be confirmed by the common council. If objections are made as afore-

said, any person interested may be heard before the common council, touching the said determination and assessment of the jury, on the day specified in the aforesaid notice, or on such other day or days as the common council shall for that purpose appoint; and the said common council, on consideration of the objections made, shall have power in their discretion, to confirm such determination and assessment of the jury, or to annul the same and direct a new jury to be summoned, for the purposes and in the manner herein before provided; and the determination and assessment of such new jury shall, when completed, be returned to and confirmed as of course, by the common council, and filed with the clerk, and shall be final and conclusive on all persons interested.

**Assessments,  
on real estate  
for improve-  
ments.**

§ 48. The common council shall have power to cause any street, alley, lane, road or highway in said city, to be pitched, levelled, paved, repaved or gravelled, and to cause cross and side walks, drains, sewers and aqueducts to be constructed and made in said city; and to cause any side walks or drains, sewers and aqueducts, to be constructed and made in said city, and to cause any side walks or drains, sewers and aqueducts, to be relaid, amended and repaired, and to cause the expenses of all improvements made or directed under this section, to be assessed upon the real estate benefitted by such improvements, in proportion to the benefits resulting thereto, as nearly as may be. The common council shall determine the amount to be assessed for all improvements made or directed under this section, and shall appoint five reputable freeholders of said city, to make such assessment. The assessors shall be sworn before a justice of the peace of said city, faithfully and impartially to execute their duty as such assessors, according to the best of their ability. They shall assess the amount directed by the common council to be assessed for any improvement, on the real estate deemed by them to be benefitted thereby, in proportion to the benefit resulting thereto, as nearly as may be; and the said assessors shall briefly describe in the assessment roll to be made by them, the real estate on or in respect of which any assessment is made, under this section. When the assessment is completed, they shall give the like notice, and have the same power to make corrections, as in the case of assessment of taxes. They shall deliver a corrected copy of the assessment roll to the clerk of the city to be filed. Any person interested may appeal to the common council for the correction of the assessment. Such appeal shall be in writing, and shall be delivered to the clerk or presiding officer of the common council, within twenty days after the corrected copy of the assessment roll is filed with the clerk. In case of appeal, the common council shall appoint a time within ten days thereafter, for the hearing of those who are interested, and shall cause a notice to be posted for five days, in some convenient public



place, designating the time and place and object of hearing ; and they may adjourn said hearing from time to time, as may be necessary ; and the common council shall, in case of appeal as aforesaid, have power in their discretion, to confirm such assessment, or to annul the same and direct a new assessment, which shall be final and conclusive on all parties interested, to be made in the manner herein before directed, by five other assessors, to be appointed as aforesaid by the said common council. If the first assessment in any case under this or the preceding section, proves insufficient, the common council may cause another to be made, in the same manner, or if too large an amount shall at any time be raised, the excess shall be refunded, rateably, to those by whom it was paid.

§ 49. All assessments for improvements, authorised by the forty-seventh and forty-eighth sections of this act, shall be made upon the real estate, and be collected by or paid to the collector or collectors of said city, except as herein otherwise directed. A corrected copy of the assessment roll shall, in all cases authorised by said forty-seventh and forty-eighth sections, be filed in the office of the clerk of the city ; and the assessments shall be a lien on the premises assessed, for one year only after the final corrected copy of the assessment roll is filed as aforesaid. In case of non-payment, the premises may be sold at any time within the year from the time of the filing of the said assessment roll. Before any such sale, an order shall be made by the common council, which shall be entered at large in the records of the city by the clerk, directing the attorney for the city to sell, and particularly describing the premises to be sold, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the said attorney. The said attorney shall then advertise the premises to be sold, in the manner and for the time required in the case of sales of real estate on execution, and the sale shall be conducted in the same manner. The proceedings may be stopped at any time before sale by any person, by paying to the said attorney the amount of the assessment, interest and expenses of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessment, interest and expenses. Certificates of the sale shall be made and subscribed by the said attorney, one of which shall be filed by him, within ten days after the day of sale, in the office of the clerk of the city, and in the office of the clerk of Oneida county ; and shall contain a description of the property, and the term for which it was sold, and state the amount of the assessment, interest and expenses for which the sale was made, and the time at which the right to redeem will expire. If the proceedings are stopped before a sale is made, the attorney may include two dollars, and no more, in the expenses for his fees. If the premises are sold, the attorney may include

How to be collected.

four dollars in the amount of expenses for his fees, and no more. The right of redemption in all cases of such sales, in the same manner and to the same extent, shall exist to the owner and his creditors, as is allowed by law in the case of sales of real estate by virtue of an execution. The money, in case of redemption, may be paid to the purchaser, or for him to the clerk of the city. In case of no redemption, or in case of redemption by the creditor or creditors, the common council shall make to the purchaser or his legal representatives, or the person entitled thereto, a declaration in writing under the corporate seal, signed by the mayor and attested by the clerk, containing a description of the premises, the fact of assessment, advertisement and sale, and the period for which the premises were sold; which declaration shall be evidence of a right to the use and occupancy of the premises for the said period, to be computed from the expiration of fifteen months after the day of sale. All buildings put on the premises, in the exercise of such right of occupancy during the period, may be removed at or before the expiration thereof.

#### Appeals.

§ 50. Any person interested, may appeal from any order of the common council, for laying out, opening, making, altering or widening any street, alley, road or highway, to the court of common pleas of the county of Oneida, by notice in writing delivered to the mayor or clerk of the city, at any time before the expiration of twenty days after the passage of the ordinance therefor by the common council. The only ground of appeal shall be the want of conformity in the proceedings to this act. The propriety or utility of the street, alley, road or highway, or the correctness of the assessment of damages, if made in conformity to this act, shall not constitute a ground of appeal. In case of appeal, the common council shall make return within twenty days after notice thereof; and the court of common pleas shall, at the next term after the return which shall be filed in the office of the clerk of the county, proceed to hear and determine the appeal, and shall confirm or annul the proceedings of the common council.

#### Damages.

§ 51. The land required to be taken for the making, opening or widening any street, alley, road or highway in said city, shall not be so taken and appropriated by the common council until the damages therefor assessed or awarded to any owner thereof, under this act, shall be paid or tendered to such owner or his agent or legal representatives; or in case such owner or his agent or legal representatives cannot be found in said city, shall be deposited to his or their credit, or for his or their use, in one of the banks of said city; and then and in such cases, and not before, such land may be taken and appropriated by the common council for the purposes required in making such improvements, and such streets, alleys, road or highway, may be made and opened.

§ 52. Where any known owner residing in said city or elsewhere, shall be an infant, and any proceedings shall be had under the forty-seventh section of this act, the court of common pleas of Oneida county, or any judge thereof, at his chambers, may, upon the application of the common council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and all notice and summons required by said section, shall be served on such guardian. It shall be the duty of such guardian to see that the rights of such infant are protected.

§ 53. All persons liable, or whose real estate shall be liable, to be assessed for the constructing or repairing side-walks, under this act, shall have the opportunity to construct or repair them in front of their own lots; but if not done in the manner, of the materials, and within the time prescribed by the common council, the said council may cause them to be constructed, and assess the expenses thereof in the manner directed by the forty-sixth section of this act.

§ 54. No ordinance shall be passed by the common council, directing the laying out, making, widening, contracting, discontinuing or altering any street, alley, road or highway; or directing the paving or flagging any street, alley, road or highway, or the constructing or making of any sewer or aqueduct in said city, unless two weeks' previous notice shall be given by the said common council, in two public newspapers printed in said city, that an application is pending before said council for the laying out, making, widening, altering, contracting, discontinuing, paving or flagging such street, alley, road or highway, sewer or aqueduct; which notice shall briefly describe the nature and object of the application, and specify at what time it will be finally acted on by the common council.

§ 55. The common council shall have power to order the pitching, paving, gravelling, raising, closing, fencing, amending, cleansing, and protecting any public square or area now or hereafter laid out in said city; and to improve the same by the construction of walks, and the rearing and protecting of ornamental trees therein; and to cause such part of the expenses thereof as they shall deem just, to be assessed and collected in the manner prescribed in the forty-seventh and forty-eighth sections of this act, for assessing and collecting expenses of improvements mentioned in those sections; and to cause any real estate on which such expenses are assessed, to be sold as provided in said forty-seventh and forty-eighth sections. But nothing herein shall empower the said common council to divert or obstruct the interest of any individual in or to any such square or area.

Markets.

§ 56. The common council shall have power to establish and regulate a market or markets in said city, and to restrain and regulate the sale of fresh meat and vegetables in said city ; to restrain and punish the forestalling of poultry, fruits and eggs ; and to license, under the hand and seal of the mayor, annually, such and so many butchers as they shall deem necessary and proper, and to revoke such license for any infraction of the by-laws and ordinances of the common council, or other mal-conduct of such butchers in the course of their trade.

Buildings  
how con-  
structed.

§ 57. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe limits in said city, within which wooden buildings shall not be erected or placed, without the permission of the said common council, and to direct that all or any buildings within the limits prescribed, shall be made or constructed of stone or brick, with partition walls, under such penalties as may be prescribed by said common council, not exceeding one hundred dollars for any one offence ; and the further sum of twenty-five dollars for each and every week any building, so prohibited shall be continued.

Chimneys &amp;c

§ 58. The common council shall have power to regulate the construction of chimneys, so as to admit chimney-sweeps, and to compel the sweeping and cleaning of chimneys, and to prevent chimney-sweeps from sweeping, unless licensed as they shall direct ; to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous ; to prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition. To require the inhabitants of said city to provide so many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire ; and to regulate and prevent the carrying on of manufactories, dangerous in causing or promoting fires ; and to prevent the use of fire-works and fire-arms in the streets ; to compel the owners and occupants of houses and other buildings, to have scuttles in the roofs, and stairs and ladders leading to the same ; to authorise the mayor, aldermen, fire-wardens, or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and the preservation of property exposed to danger thereat ; and generally to establish such regulations for the prevention or

extinguishment of fires as the common council may deem expedient.

§ 59. The common council shall procure fire engines, and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses, and other places for keeping and preserving the same; and shall have power to organize fire, hook, hose, ladder and axe companies; to appoint, during their pleasure, a chief engineer and two assistant engineers of the fire department, and a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines and other apparatus and implements used or provided for the extinguishment of fires; to prescribe the duties of firemen, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon said firemen, for a violation of the same, as the said council may deem proper; and for incapacity, neglect of duty or misconduct, to remove them and appoint others in their places. Fire engines.

§ 60. The members of the common council shall be fire-wardens, and shall have power to appoint such other fire-wardens as they may deem necessary. Fire wardens

§ 61. The firemen appointed by virtue of this act, shall, during the term of their service as such, be exempt from serving on juries, in courts of record, and in the militia, except in case of war, invasion or insurrection. The name of each person appointed a fireman, shall be registered with the clerk of the city, and the evidence to entitle him to the exemption, as provided in this section, shall be the certificate of the clerk, made within a year in which the exemption is claimed. Firemen.

§ 62. The present firemen of the village of Utica, shall be firemen of the city of Utica, subject to be removed by the common council, in like manner as other firemen of said city. Present firemen.

§ 63. Every fireman who shall have faithfully served as such in said city or village of Utica, or both, for the term of ten years, shall be thereafter exempt from serving on juries in courts of record, or in the militia, except in case of war, invasion or insurrection; and the evidence to entitle such person to the exemption, as provided in this section, shall be a certificate, under the corporate seal, signed by the mayor and clerk. Term of service of firemen.

§ 64. The said city, except as otherwise provided in this act, shall, for all the purposes contemplated in part first, chapter thirteenth, entitled "Of the assessment and collection of taxes;" and in part first, chapter fifteen, title second, entitled "Of common schools;" and part first, chapter sixth, entitled "Of elections, other than for militia and town officers;" and City declare a town in certain cases.

in part first, chapter sixteen, title first, entitled "Of highways and bridges;" and in part first, chapter twenty, title nine, entitled "Of excise, and the regulation of taverns and groceries;" and in part first, chapter twenty, title one, entitled "Of the relief and support of indigent persons," of the Revised Statutes, and for all other purposes, except as in this act provided, be considered one of the towns of the county of Oneida, and the supervisor, assessors, and clerk of said city, shall be the inspectors of all elections held in said city as a town, under or in pursuance of part first, chapter sixth, of the Revised Statutes.

School  
money.

§ 65. That out of the moneys appropriated from the common school fund to the county of Oneida, the city of Utica shall have its proportion with other towns in said county, which money shall be paid by the treasurer of said county, to the treasurer of said city, and be subject to the order of the common council. The common council shall have power to establish so many common and free schools in said city, as in their opinion the purposes of education may require, and shall distribute the money received from the common school fund, among such schools, and in such manner and proportions as they shall deem most useful.

Excise regu-  
lations.

§ 66. The common council shall be commissioners of excise in and for said city, and shall, subject to the provisions of this act, perform the duties and possess the powers of commissioners of excise of towns. All licenses granted by the said council, shall be signed only by the mayor, or presiding officer for the time being, of said council; and in addition to the sum which is exacted by said council as excise duty or otherwise, by virtue of part first, chapter twenty, title nine of the Revised Statutes, the said common council shall exact not less than six dollars and fifty cents, nor more than twenty dollars from each person to whom a license is granted by said council, by virtue of this section; which additional sum so exacted, shall be paid to the treasurer of the city, for the use thereof, and one dollar and fifty cents of the additional sum so exacted for each license granted by said council, shall be appropriated and paid to "The Orphan Asylum Society in the village of Utica;" and the residue of such additional sum, or any part thereof, may be appropriated by said council, in their discretion, for the support of common or free schools in said city. All bonds and recognizances authorised to be taken by said part first, chapter twenty, title nine, of the Revised Statutes, shall be taken to and in the name of "The City of Utica;" and all penalties imposed by said title nine, may be sued for and recovered in the name of the City of Utica, and shall, when recovered, be paid to the treasurer thereof.

§ 67. The common council shall have power to pass such ordinances as they shall judge proper for regulating petty gro- Petty gro-  
cers, &c. cers, keepers of ordinaries and victualling houses, or houses where fruit, oysters, clams, liquor or meat, shall be sold: and shall also have power to grant licenses to petty grocers, keepers of ordinaries, and such houses as aforesaid, and to determine the sum to be paid for a license granted under this section, which shall not be less than three nor more than fifteen dollars, and to require of such petty grocers, keepers of such ordinaries and houses as aforesaid, a bond to "The City of Utica," in such penalty and with sureties, as said council shall approve; conditioned that such person as aforesaid shall not suffer his store, shop or grocery to be disorderly, or suffer any cock fighting, gaming or playing with cards or dice, or keep any billiard or gaming table within the same, or in any out-house, yard or garden belonging thereto, nor suffer or permit any strong or spirituous liquors to be drunk in his, her or their shop, house, store, out-house, yard or garden; and each license granted under this section, shall prohibit the person to whom it is granted from selling strong and spirituous liquors in quantities less than five gallons, to be drank in his or her store, shop, house, out-house, yard or garden. All moneys received for licenses granted under this section, shall be paid to the treasurer of the city, for the use thereof.

§ 68. All the estate, real and personal, vested in or belong- Real estate. ing to, or held in trust by the trustees of the village of Utica, at the time this act shall take effect as a law, shall be, and is hereby declared to be vested in "The City of Utica;" and the said city may sell, dispose of and convey, in fee simple, the free school-house lot situate in Catharine-street, in said city.

§ 69. All former acts and parts of acts, relative to the in- Repeal. corporation of the village of Utica, are hereby repealed; but the repeal of said acts shall not affect any act done, or right accrued or established, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect; but every such act, right and proceeding, shall remain as valid and effectual as if said acts had remained in force; and all the officers elected or appointed under or by virtue of the acts hereby repealed, shall continue in office until and including the Monday next after the first Tuesday in March next, unless the term for which they, or any of them, were elected or appointed, shall sooner expire.

§ 70. This act shall take effect on the first day of March Act to take  
effect. next, and the legislature may at any time alter, modify or repeal the same.

## CHAP. 20.

## AN ACT to incorporate the New-York Annual Conference Ministers' Mutual Assistance Society.

Passed February 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

- Name.** § 1. There shall be established and located, in the city of Albany, a charitable society, by the name of the New-York Annual Conference Ministers' Mutual Assistance Society.
- Corporation created.** § 2. Daniel Ostrander, Nathan Bangs, Peter P. Sanford, Samuel Luckey, Laban Clark, Samuel Merwin, Henry Stead, Benjamin Griffen, Ebenezer Washburn, Daniel De Vinne, Samuel D. Ferguson and Lewis Pease, and such other persons as are or may become members of said society, are hereby constituted a body corporate, by the name aforesaid.
- Object of society.** § 3. The objects of the said society are charitable, and to afford relief to its members in cases of sickness and infirmity.
- By-Laws.** § 4. The corporation shall have power to prescribe rules and regulations for the admission of its members and their government, the election of its officers and their duties, and expelling any of its members for not observing its laws.
- Estate.** § 5. The said corporation may take and hold such personal estate as may be given or bequeathed to such corporation; but the annual income of the real and personal estate which the said corporation may at any time hold, shall not exceed three thousand dollars.
- Election of officers.** § 6. The said corporation may elect its officers and transact other business necessary to carry the objects of the society into effect, at the times and places of holding the New-York annual conference, when the said conference shall meet at any place within this State, other than the city of Albany.
- General powers.** § 7. The corporation shall possess the general powers, and be subject to the general restrictions and liabilities, prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.
- Rights reserved.** § 8. The legislature may, at any time, modify, alter or repeal this act, or any of its provisions.



## CHAP. 21.

**AN ACT** *authorising Henry Barclay to maintain a Toll-Bridge across the Esopus Creek, at the Village of Ulster.*

Passed February 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Henry Barclay, of the village of Ulster, in the town <sup>Bridge to be erected.</sup> of Saugerties and county of Ulster, is hereby authorised to maintain, for the period of twenty years, the bridge which he erected last year across the Esopus creek, in the village of Ulster, near the lowest falls of said creek.

§ 2. The said bridge shall at all times be kept in good repair, for safe and convenient passage of loaded wagons, carts and carriages, with their teams, with a separate track for foot passengers, and sufficient railings at the sides, not less than four feet high. <sup>To be kept in good repair.</sup>

§ 3. If the said bridge is carried away by ice or freshets, or is otherwise destroyed, the said Henry Barclay, his executors, administrators or assigns shall, during the time it is repairing or rebuilding, keep up a good scow ferry, properly attended and suited to the accommodation of teams and carriages of all sorts, as well as of foot passengers. <sup>If destroyed, ferry to be kept.</sup> The rates of ferriage shall be the same as the tolls hereafter mentioned for said bridge; and if said bridge is not repaired or rebuilt within one year after it is injured, carried away or otherwise destroyed, then and in such case this act shall be null and void.

§ 4. The said Henry Barclay, his executors, administrators or assigns, shall be authorised to demand and receive, for crossing said bridge, the following rates of toll: <sup>Rates of toll.</sup> For every four wheeled pleasure carriage, stage, wagon or post coach drawn by two horses, twelve and a half cents, for every additional horse three cents; for every cart, sleigh or sled drawn by two animals, nine cents; for every wagon, sled or sleigh drawn by one animal, six and one-quarter cents; for every man and horse, six and one-quarter cents; for every foot passenger, two cents; for droves of horned cattle, horses or mules, one cent each; for every score of sheep or hogs, six and one-quarter cents, and in that proportion for a smaller number: foot passengers residing within the limits of the village of Ulster, shall be entitled to cross said bridge for one cent each.

§ 5. If any person shall wilfully injure or impair said bridge, he shall forfeit and pay to the said Henry Barclay, <sup>Penalty.</sup>

his executors, administrators or assigns, treble the amount of damages sustained, with costs of suit, to be recovered in an action of trespass.

Penalty.

§ 6: If any person shall forcibly pass the gate of said bridge, without having paid the toll, he shall forfeit and pay to the said Henry Barclay, his executors, administrators or assigns, ten times the amount of said toll, to be recovered by action of debt, together with costs of suit.

lb.

§ 7. If any toll-gatherer of said bridge shall unreasonably delay or hinder any passenger at the gate, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs to the use of the person so unreasonably delayed, hindered or defrauded.

Driving regulated.

§ 8. It shall not be lawful for any person or persons to ride or drive on or over said bridge faster than on a walk, with his, her or their horse, horses, team or teams; nor shall it be lawful for any owner or driver to drive more than twenty head of cattle or horses on said bridge at one and the same time, provided a notice of the same be posted at each end of the bridge, on penalty of forfeiting, for every such offence, not less than one dollar, to be recovered with costs of suit, by the said Henry Barclay, his executors, administrators or assigns, and the toll-gatherer shall be authorised to close the gate against such offender or offenders, until the said penalty is paid.

Roads.

§ 9. One or more roads or streets shall be kept open to the waters of the creek, on both sides thereof, within two hundred yards of said bridge, for the convenience of the public in getting water and-ice, and watering cattle; and nothing in this act contained shall prevent any person crossing the ice, with his team or otherwise, when they shall choose to do so.

Notice over toll-gate.

§ 10. There shall be placed over the toll-gate, by the said Henry Barclay, a copy of the sections imposing penalties created by this act on those passing or injuring said bridge, and also the penalty imposed on the toll-gatherer, together with the rates of toll.

General liability.

§ 11. Said Henry Barclay shall be subject to the general liability of corporations, as expressed in title three, chapter eighteen of the first part of the Revised Statutes.

Rights reserved.

§ 12. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 22.

**AN ACT** to change the name of the Town of Brantingham, in the County of Lewis.

Passed February 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The town of Brantingham, in the county of Lewis, shall hereafter be called and known by the name of Greig.

§ 2. This act shall take effect on its passage.

## CHAP. 23.

**AN ACT** to incorporate the Smiths' Beneficial Society in the City of New-York.

Passed February 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be established and located in the city of <sup>Name.</sup> New-York, a charitable society, by the name of the Smiths' Beneficial Society.

§ 2. All persons as are or may become members of said so- <sup>Corporation</sup> ciety, are hereby constituted a body corporate by the name <sup>created.</sup> aforesaid.

§ 3. The objects of the said society are charitable, and to <sup>Objects of</sup> afford relief to its members in cases of sickness and infirmity. <sup>society.</sup>

§ 4. The corporation shall have power to prescribe rules <sup>By-laws.</sup> and regulations for the admission of its members, and their government, election of its officers, and their duties, and expelling any of its members for not observing its by-laws.

§ 5. The annual income of the real and personal <sup>Income.</sup> estate, which the said corporation may at any time hold, shall not exceed one thousand five hundred dollars.

§ 6. The incorporation shall possess the general powers, <sup>General pow-</sup> and be subject to the general restrictions and liabilities, <sup>ers</sup> prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. The legislature shall possess the power to alter, <sup>Rights reser-</sup> modify and repeal this act. <sup>ved.</sup>

## CHAP. 24.

**AN ACT** to amend Title 1, Chapter III. Part III. of the Revised Statutes, concerning Courts of Justice, and the Powers and Duties of certain Judicial Officers in the City of New-York.

Passed February 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Chapter amended.

§ 1. The third chapter of part third, title first of the Revised Statutes shall be and the same is hereby amended, by inserting, at the end thereof, the following sections, which in any future publication of the said title shall be numbered as the twelfth and thirteenth sections of the said title :

Concerning aldermen of New-York.

§ 12. The provisions of the fourth and fifth sections of this title shall not prevent the aldermen of the city of New-York from practising as attorneys or counsel in the court of common pleas of the said city, nor from having partners practising in said court ; provided such alderman shall, within ten days after having taken the oath of office required by law to be taken by aldermen in said city, file in the office of the clerk of the said city and county, a declaration of his refusal to act as a judge of said court of common pleas, during the term of his service as alderman.

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§ 13. On filing such declaration of his refusal, such alderman shall not act as judge of said court, nor be empowered to execute any of the duties of such officer, except in exercising the duties enjoined on him by the constitution.

## CHAP. 25.

**AN ACT** extending the time for the Collection of Taxes in the Town of Bethlehem, in the County of Albany.

Passed February 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the collector of taxes of the town of Bethlehem shall renew his security in such manner as the supervisor of said town shall reasonably require, the time for the collection and making the return of taxes, shall be extended to the twentieth day of March next.

## CHAP. 26.

AN ACT extending the Powers of County Superintendents of the Poor.

Passed February 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The superintendents of the poor in the several counties in this state shall audit and settle all accounts of overseers of the poor, justices of the peace, and all other persons, for services relating to the support, relief or transportation of county paupers; and shall, from time to time, draw on the county treasurer for the amount of the accounts which they shall so audit and settle.

Accounts of overseers of the poor, how audited.

§ 2. Superintendents of the poor in any county in this state shall have power to make such compromise and arrangements with the putative fathers of any bastard children, within their jurisdiction, relative to the support of such children, as they shall deem equitable and just; and thereupon, to discharge such putative father from all liability for the support of such bastards.

Bastard children.

## CHAP. 27.

AN ACT to incorporate the President, Directors and Company of the Brooklyn Bank.

Passed February 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. There shall be established in the village of Brooklyn and county of Kings, a bank, to be called the "Brooklyn Bank," whose operations of discount and deposit shall be carried on in the village of Brooklyn, and not elsewhere.

Name.

§ 2. All persons who shall become holders of the capital stock of said bank, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of the president, directors and company of the Brooklyn bank, and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty.

Corporation created.

§ 3. The said corporation shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling

Banking power.

gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt; and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation, in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for monies due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted, in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restrictions.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or commodities whatsoever, or in buying or selling any stock, created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Capital stock.

§ 6. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into ten thousand shares, of twenty dollars each; and Samuel Smith, John T. Bergen, Richard V. W. Thorn, Joseph Moser, James Foster, Samuel A. Willoughby, and John F. Garrison, are hereby appointed commissioners to receive subscriptions to the said capital stock.

Subscription book.

§ 7. The commissioners shall open a subscription book for the said stock, on such day and at such place, in the village of Brooklyn, as they shall appoint, and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in that village.

To be kept open 3 days.

§ 8. The book for subscriptions shall be kept open at least three days, and the sum of one dollar on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription.

Further subscriptions.

§ 9. If the whole capital stock be not taken up during the said three days, the commissioners may receive further subscriptions on such other day and at such place, in the village of Brooklyn, as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the corporation shall be taken up.

Distribution of stock.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto, and in case there should be subscriptions to more than the

amount of such stock, within the time above prescribed, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interest of the institution; but no person who shall have subscribed for twenty shares or upwards, shall, upon such distribution, receive less than twenty shares, unless the subscriptions for the last mentioned, or a less number of shares, shall exceed the whole amount of the capital stock; nor shall there be allowed to any one of the commissioners, directly or indirectly, or to any one in trust for him, more than two hundred and fifty shares of said stock, if without such allowance, the whole of the stock be taken up.

§ 11. No corporation having banking powers under the authority of this state, or the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the said corporation, nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith, in security for a debt or loan, and in such case, the shares of stock, so hypothecated, shall be sold within six months after such debt shall become due, according to the terms of such hypothecation: And if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of creditors of certain monied corporations, and for other purposes," passed April 2, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of said fund. Restriction.

§ 12. The stock, property, affairs and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state, but no person shall be a director, who shall not, at the time of his appointment, hold, on his own account, and not in trust in any manner whatsoever for any other person, at least twenty-five shares of the stock of the said corporation. Directors.

§ 13. The first election for directors, under this act, shall be held at such time and place in the village of Brooklyn, as shall be directed by the commissioners herein before appointed, and the said commissioners are hereby appointed inspectors of such first election, and the directors then to be elected, shall hold their offices until the second Tuesday in June, in the year one thousand eight hundred and thirty-three, and until others are elected. First election.

§ 14. The directors for every subsequent year, shall be elected on the second Tuesday of June of every year, at such time of the day, and at such place, within the village of Brook- Subsequent elections.

lyn, as a majority of the directors for the time being, shall, by resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead.

**Public notice.** § 15. Public notice of every election, under this act, shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said village of Brooklyn.

**Votes.** § 16. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held, in his own name, at least fourteen days previous to the time of voting; at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; except that in case any one person shall hold more than one thousand shares, (including all shares which may be held by any other person in trust for him,) no more than one thousand votes shall be given upon all such shares.

**Elections, how conducted.** § 17. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes, shall be directors; and if, at any election, two or more persons have an equal number of votes, then the directors who shall have been duly elected, shall proceed by ballot and by plurality of votes, to determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number.

**Vacancies.** § 18. If any director shall remove out of the state, or cease to be a stockholder to the amount of twenty-five shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person as the remainder of the directors for the time being, or a majority of them, shall appoint.

**President.** § 19. The directors elected, as soon as may be after their election, shall proceed in like manner to elect one of their number, by ballot, to be their president.

**Banking, when to commence.** § 20. The said corporation shall not commence the business of banking until the whole of the capital stock of the corporation shall have been paid to the said corporation in specie or current bank bills, and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made to enable any stockholder to pay up the amount of his shares, or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any



note or other security, by such corporation, and any person guilty of wilful false swearing in any such oath, shall be subject to the pains and penalties of perjury.

§ 21. The directors of the said corporation shall have power, from time to time, to appoint so many officers, clerks and servants, for carrying on the business of the corporation, and with such compensation as to them shall seem meet. Officers.

§ 22. The directors for the time being shall also have power to make and prescribe such by-laws, rules and regulations, as shall be needful, touching, By laws.

1. The government of the said corporation, and the management and disposition of its stock, business, property, estate and effects :

2. The time, manner and terms, at and upon which discounts and deposits shall be made and received in and by the same :

3. The duties and conduct of the officers, clerks and servants, employed by the said corporation : and,

4. All such matters as may appertain to the concerns of the institution.

§ 23. The directors for the time being shall have power to require the stockholders respectively to make payment of all sums of money, by them subscribed, at such times, and in such proportions, as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation. Call on stockholders.

§ 24. The directors shall give notice of every such call, by notice to be published, at least once a week, for eight weeks successively, in one or more of the newspapers printed in the village of Brooklyn ; which notice so to be published, shall be a sufficient call on each stockholder to authorize, in case of his default to comply therewith, the forfeiture above provided. Notice thereof.

§ 25. The obligations, contracts, bills, notes, and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person, and every evidence of debt, issued under the seal of such corporation, and assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon, in his own name. Bills, &c. assignable.

§ 26. It shall be the duty of the directors of the said corporation to make dividends half yearly, or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable. Dividends.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book Transfers.

to be kept by the directors of such corporation for that purpose, which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person, having in his possession any note, bill or other evidence of debt, issued by such corporation, the payment of which shall have been refused.

Penalty.

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

In case of neglect or refusal to redeem notes.

§ 29. If at any time the president, directors and company of the said corporation, shall neglect or refuse, for ten days after demand, at their banking house, during the regular hours of business, to redeem in specie, any evidence of debt, issued by the said corporation, the said president, directors and company shall discontinue and close until they shall resume payment as aforesaid, all their operations and business, except the securing and collecting of debts due or to become due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following.

Application to chancellor.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor, by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if such chancellor, after due examination, shall find that the proceedings of the said corporation have been fair, and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Damages.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

Restrictions as to bills of foreign banks.

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt, of any monied institution without the jurisdiction of the state, and which shall be made payable at the said Brooklyn bank; and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

General powers.

§ 33. The said corporation shall possess the general powers of a corporation, as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same

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have been repealed before the passage of this act, or are modified by the act referred to in the section next following.

§ 34. The said corporation shall also be subjected to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829. Subject to act of April 2, 1829.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for making any loan or discount by such corporation. Leases

§ 36. The legislature may at any time modify, alter or repeal this act, or any of its provisions. Rights reserved

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### CHAP. 28.

*AN ACT to extend, for a limited period, the Charter of the Bank of Lansingburgh.*

Passed February 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act to incorporate the stockholders of the Bank of Lansingburgh," passed March nineteenth, one thousand eight hundred and thirteen, and all acts and parts of acts relating to the same, which are now in force, shall be, and they are hereby continued in force until the first day of July, which will be in the year of our Lord one thousand eight hundred and fifty-five, except that from and after the filing the assent herein after mentioned, so much and such parts of the said act as may be repugnant to such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed, and the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April second, one thousand eight hundred and twenty-nine, shall be, and they are hereby repealed, subject however to the modifications mentioned in the fourth section of this act. Charter extended to 1855.

§ 2. The said corporation shall be subject to such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed, from and after the filing of the assent herein after mentioned ; except so far as the same are modified by the act last recited, in the next preceding section. Subject to chap. 18, R. S.

§ 3. No person shall be a director of such corporation who does not hold in his own right, free from all and every incum- Directors.

brance by way of hypothecation, at least five hundred dollars of the capital stock of said corporation; and when such director shall cease to hold the said sum of five hundred dollars of such stock, his office as such director shall become vacant.

Subject to  
bank fund  
law.

§ 4. The said corporation shall be subject to the operation of the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April second, one thousand eight hundred and twenty-nine, from and after the filing the assent herein after mentioned; except the twenty-seventh section of the last mentioned act, which shall be binding upon the said corporation, from and after the first day of July next.

Present charter  
binding  
till July 1832.

§ 5. The provisions of the acts now binding upon said corporation, which regulate the amount of notes or bills loaned or put in circulation, and the amounts of the loans and discounts of said corporation, shall be in force and obligatory upon said corporation, until the first day of July, one thousand eight hundred and thirty-two.

Loans.

§ 6. It shall not be lawful for the said corporation to take any hypothecation of its own stock as security for any loan or discount made by such corporation.

Condition.

§ 7. The charter of the said bank of Lansingburgh shall not be hereby continued or extended unless the said corporation shall, on or before the first day of July next, signify its assent to, and acceptance of, the provisions of this act, by causing to be filed with the comptroller of this state, a certificate thereof, under the corporate seal of the said corporation, signed by the president and cashier of said corporation; also a certificate of one or more of the bank commissioners, setting forth the condition of said corporation, and its ability to fulfil its engagements, and that the capital stock has been actually paid in, and remains undiminished, except so far as such diminution is authorized by this act.

Capital stock  
reduced.

§ 8. The capital of the said corporation shall, on filing the assent herein before mentioned, be reduced to and fixed at one hundred and twenty thousand dollars, divided into twelve thousand shares, of ten dollars each; and the number of directors shall be reduced, at the next annual election for directors after the passing of this act, to nine, who shall be elected by the stockholders of the said corporation; and so much of the act of the said corporation as requires the governor, by and with the consent of the senate, to appoint annually two directors of said bank, shall be and the same is hereby repealed.

In case of  
insolvency.

§ 9. If the said corporation shall become insolvent before the first day of January, in the year one thousand eight hundred and thirty-three, no creditor of said corporation shall, in

such case, be entitled to any contribution or payment from the bank fund, or any of the benefits arising therefrom.

§ 10. The legislature may at any time hereafter, modify or repeal this act. Rights reserved.

## CHAP. 29.

### AN ACT to incorporate the Hargrave Cotton Factory.

Passed February 28, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Pascal Franchot, John C. Morris, Volkert P. Van Rensselaer, Benajah Davis, Dan Smith, Andrew G. Washburn and Ezra H. Holbrook, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name of the "Hargrave Cotton Factory," for the purpose of manufacturing cotton, in the town of Butter-nuts, in the county of Otsego. Corporation created.

§ 2. The capital stock of the corporation shall be one hundred thousand dollars, which shall be divided into one thousand shares, of one hundred dollars each. Stock.

§ 3. Subscriptions to the capital stock of said corporation, shall be opened under the direction of the trustees hereafter named, and it shall be the duty of the trustees for the time being, to call for and demand of the stockholders respectively, all sums of money by them subscribed at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving thirty days' notice, to be published in a newspaper printed in the county of Otsego, and in the state paper printed in the city of Albany, of such call or demand. Subscriptions to stock.

§ 4. The stock, property and concerns of the said corporation shall be managed by seven trustees, to be chosen annually on the first Tuesday of January in each year, at such place as the trustees for the time being shall direct. The persons named in the first section of this act, shall be the trustees from the time this act shall take effect until an election of trustees shall take place ; thirty days' previous notice of the time and place of holding such election, shall be given by publishing notice of the same in a newspaper printed in the county of Otsego, and in the state paper printed in the city of Albany ; and such election shall be by ballot, under the inspection of the trustees for the time being, by plurality of the votes of the Trustees.

stockholders present at such election, allowing one vote for every share.

Stock transferable.

§ 5. The stock of the said corporation shall be deemed personal property, and assignable and transferable upon the books of the corporation ; but no stockholder, indebted to the corporation shall be permitted to make a transfer or receive a dividend, until such debt be paid to the satisfaction of the trustees.

Duration.

§ 6. The corporation hereby created, shall continue twenty-one years.

General powers.

§ 7. The said corporation shall possess the general powers, and be subject to the prohibitions and restrictions contained in title three of chapter eighteen of the first part of the Revised Statutes, except so far as the same are modified by this act.

Act to take effect.

§ 8. This act shall commence and take effect on the passage thereof.

## CHAP. 30.

AN ACT *in addition to the Act entitled "An Act to incorporate the Brunswick and Pittstown Turnpike Company," passed April 18th, 1831.*

Passed February 28, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Road may be extended.

§ 1. It shall and may be lawful for the said Brunswick and Pittstown Turnpike Company to extend the turnpike road which they are empowered to make, by their act of incorporation, from its western termination, at or near the village of Milltown, in the town of Brunswick, over the most eligible route, till it intersects the public highway near the falls of Poetsen kill, in the city of Troy.

Stock.

§ 2. The capital stock of said turnpike company may be increased to eleven hundred and twenty shares, of twenty-five dollars a share.

Additional gate, and rates of toll.

§ 3. The said company may erect an additional gate on the said road hereby extended, and demand and receive the following rates of toll : For every wagon or cart drawn by two horses, four cents, and for every additional horse, one cent ; for every one horse wagon or cart drawn by one horse, two cents ; for every coach or four wheeled pleasure wagon or carriage drawn by two horses, nine cents, and for every additional horse, two cents ; for every stage, wagon or other carriage for the transportation of passengers, drawn by two horses, six cents, and for every additional horse, two cents ; for

every chaise or other pleasure carriage drawn by one horse, four cents; for every cart drawn by two oxen, three cents, and for every additional ox or horse, two cents; for every horse and rider, two cents, and for every horse led, one cent; for every sled or sleigh drawn by two horses, mules or oxen, two cents, and for every additional horse, mule or ox, one cent; for every sled or sleigh drawn by one horse, one cent; for every score of cattle, horses or mules, four cents; for every score of hogs or sheep, two cents, and in like proportion for a greater or less number of cattle, horses, mules, hogs or sheep: *Provided*, That it shall and may be lawful for the said corporation, in their discretion, to establish two toll-gates at suitable places, between the western termination at Troy, and the eastern termination in Pittstown, at which to collect the whole of the tolls which they are authorised to take by virtue of the aforesaid act, to which this is an addition, and by virtue of this act, in such parts and proportions at each of such gates as they shall think proper: *Provided further*, That no person entering upon or intending to leave said road, within one and a half miles easterly of Milltown, shall be required to pay at the gate west of said village, greater rates of toll than is herein before particularly specified. But no gate shall be erected within one and a half miles easterly, and one-half a mile westerly of said village of Milltown, or within one mile of the western termination of said road.

## CHAP. 31.

AN ACT *extending the time for collection of Taxes in the several Wards of the City of Albany.*

Passed February 28, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The time now allowed by law for the collectors of taxes in the several wards of the city of Albany, for collecting and making returns thereon, is hereby extended to the first day of April next, inclusive; and the said several collectors shall continue to have, exercise and enjoy, all the powers and authorities in relation to their offices that they possessed previous to the day on which they should have their returns; but the said collectors shall renew their bonds to the several supervisors of the said city of Albany, in the manner provided by the act for the assessment and collection of taxes now in force in this state; and this law shall take effect from and immediately after the passage thereof.

## CHAP. 32.

## AN ACT to incorporate the North American Mining Company.

Passed March 1, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Samuel Glover and James Monroe, and all such persons as now are or hereafter may become stockholders of the said company, shall be and they are hereby created a body corporate and politic, until the year one thousand eight hundred and sixty, in fact and in name, by the name of the North American Mining Company, for the purpose of purchasing, leasing and working mines of gold, silver, copper, lead and zinc, as may be found in the course of its mining operations.

Stock.

§ 2. The capital stock of the said corporation shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each ; and the said capital stock shall be considered as personal property, and shall be assignable and transferable, under such rules and regulations as shall be prescribed by the by-laws of the said company.

Directors.

§ 3. The stock, property and concerns of the said corporation shall be managed and conducted by seven directors, who shall be stockholders, one of whom shall be president, who may hold their offices until the second Tuesday in April, in the year one thousand eight hundred and thirty-three ; and the said directors, after the said term shall have expired, shall be chosen annually on the second Tuesday in April in each year, and at such place in the city of New-York, as a majority of the directors may prescribe, of which election notice shall be given at least fourteen days previous, by publication in two of the daily papers in the city of New-York : and such election shall be holden under the inspection of three stockholders, to be appointed by the board of directors, and shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the stock.

First directors.

§ 4. James Monroe, Samuel Glover, Richard R. Ward, Benjamin E. Bremner, Jesse Oakley, Richard I. Arnold and Alfred P. Edwards, shall be the first directors under this act, and they, or a majority of them, are authorised to receive subscriptions to the said capital stock, on such day and at such place in the city of New-York, as they or a majority shall appoint, giving at least fourteen days' notice of such time and place for receiving such subscriptions, in one of the newspapers printed in said city.



§ 5. If it shall at any time happen, that an election shall not be made on any day when, pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to make and hold an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation. Election.

§ 6. The directors shall also have power to call in such instalments on the capital stock, from time to time, as shall be necessary for the carrying on of their business, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, with power to invest such part of their capital stock, or surplus profits, as may not be immediately required in their mining operations, in bonds and mortgages on real estate in this state, of the value of thirty per cent more than the amount loaned, or in the stocks of the United States, or the public stocks of any of the respective states, or in the stock of any incorporated bank or insurance company which shall be at or above par in the market at the time of such investment; and no investment of such capital or surplus shall be made upon any other than the securities aforesaid; and also power, at such times as to them shall seem meet, to make and declare such dividends out of the profits resulting from the business of the said corporation, as they shall deem expedient. Calls on stockholders.

§ 7. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes. General powers.

§ 8. The legislature shall have power, at any time hereafter, to alter, amend or repeal this act. Rights reserved.

## CHAP. 33.

AN ACT to incorporate the Deposit Bridge Company.

Passed March 2, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Newel Evans, Peter Pine, Ira Bixby, William Wheeler and Edgar M. Gregory, and their associates, are hereby created a body corporate, by the name of the Deposit Bridge Company. Corporation created.

§ 2. The purpose of the corporation is to build a toll-bridge across the west branch of the Delaware river, at the To build a toll bridge.

village of Deposit, in the county of Delaware, at or near the site of the former bridge.

Duration.

§ 3. The corporation shall continue for twenty-five years.

Commissioners to build bridge

§ 4. Newel Evans, Nelson K. Wheeler and Simon Lusk, are appointed commissioners to do and perform the several duties hereinafter mentioned, viz. to wit: They shall, on or before the first day of June next, procure three books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do, for ourselves, our heirs, executors and administrators, promise to pay the Deposit bridge company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times and places, as shall be directed by the said company;" one of which books shall be kept open for subscription by each of the said commissioners, at his place of residence; and every subscriber shall, at the time of subscribing, pay to either of the said commissioners, the sum of two dollars on each share subscribed by him; and the said commissioners shall, as soon as sixty shares shall be subscribed, give at least ten days' notice, by advertisement, to be affixed in at least three of the most public places in the village of Deposit, of the time and place of meeting of the subscribers, for the purpose of choosing out of their number five directors, to manage the concerns of the corporation for one year.

Election.

§ 5. The day of choosing such directors shall be thereafter the anniversary day of choosing directors. The corporate powers of the said corporation shall be exercised by five directors, as aforesaid, to be chosen annually.

Stock.

§ 6. The directors may continue to receive subscriptions to the stock of said company, until one hundred and twenty shares shall be subscribed, and every stockholder shall be entitled to one vote for every share of stock held by him.

Calls on stockholders.

§ 7. The directors may require from the stockholders payment of all sums of money by them subscribed, at such times and in such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares, and all previous payments thereon.

Rates of toll.

§ 8. As soon as the bridge shall have been completed, and the judges of the court of common pleas of the county of Delaware, or any two of them, upon inspection, shall certify under their hands, that said bridge is well and sufficiently constructed for the safe passage of loaded waggons, and other carriages, the directors may erect a gate at either end of the bridge, and demand and receive the following tolls: For every four wheeled pleasure carriage drawn by four horses, twenty-five cents; for every four wheeled pleasure carriage drawn by two horses or mules, nineteen cents; for every two wheeled pleasure carriage drawn by one horse or mule, ten cents,

and if drawn by two horses or mules, twelve and a half cents ; for every wagon drawn by two horses or mules, twelve and a half cents, and three cents for every additional horse or mule ; for every sled or sleigh drawn by two horses or oxen, eight cents ; for every wagon or cart drawn by two oxen, twelve and a half cents, each additional yoke of oxen, six cents ; for every one horse wagon or cart, eight cents ; for every man and horse, six cents ; for every horse, jack or mule, three cents ; for every yoke of oxen, six cents ; for every score of neat cattle, twenty cents, and in proportion for a greater or less number ; for every score of sheep or hogs, ten cents, and in that proportion for a greater or less number ; for every foot passenger, two cents. The said corporation shall cause to be affixed to the toll-gate a list of the rates of toll which may be hereby lawfully demanded.

§ 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay two dollars to the said company, with cost of suit ; and if any toll-gatherer shall unreasonably delay or hinder any passenger or traveller at the gate, or shall demand or receive more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs, to the use of the person so unreasonably delayed, hindered or defrauded. Penalty.

§ 10. The bridge shall be built not less than twenty feet wide, and be well covered with plank, not less than two and a half inches thick, the sides of said bridge to be secured with good and substantial railings ; and the said bridge shall be so constructed that the opening between the piers, under the same, in the rafting channel, shall not be less than sixty feet in width, for the passage of rafts. Dimensions of bridge.

§ 11. If the bridge shall not be completed within two years, or after the same shall have been completed shall be impassable for the term of sixty days, for want of repairs, unless carried away by ice or freshets, or other unavoidable accidents, or unless taken down for the purpose of rebuilding the same, or if the same shall not be rebuilt within eighteen months, then, and in either event, the corporation shall be dissolved. Time limited for building bridge.

§ 12. The directors may put up and maintain in conspicuous places, at each end of the said bridge, a notice, with the following words, in large characters : " One dollar fine for riding or driving faster than a walk on this bridge ; " and whoever shall ride or drive faster than a walk on said bridge, when such notices are affixed, shall forfeit for every offence, the sum of one dollar. Notice to be put up.

§ 13. This corporation shall possess the general powers enumerated in the third title of the eighteenth chapter of the General powers

first part of the Revised Statutes, and shall be subject to the provisions contained therein."

Ferries prohibited.

§ 14. It shall not be lawful for any person or persons to erect any bridge, or establish any ferry across the said river at any place within a mile of said bridge; but during the time that such bridge shall be impassable, it shall be the duty of said company to keep and maintain a good and sufficient ferry boat for the passing of said stream, and shall be entitled to receive the same rates of ferriage, as is above provided for tolls, for crossing said bridge.

## CHAP. 34.

AN ACT to incorporate the Village of Medina.

Passed March 3, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Bounds of the village.

§ 1. All that district of country in the town of Ridgeway, and county of Orleans, contained within the following boundaries, that is to say: Commencing at the point where the Erie canal crosses the Oak Orchard creek, thence south along the west margin of said creek to the south line of Oak Orchard-street, running thence west to the mill-race; thence north along said race to the south line of Mill-street; thence west to the west line of Prospect-street; thence north to the canal; thence eastwardly along the south margin of said canal to the place of beginning; shall hereafter be known and distinguished by the name of the Village of Medina. And the freeholders and inhabitants residing, or who may hereafter reside, within the limits aforesaid, are hereby constituted a body corporate, by the name of "the trustees of the village of Medina;" and shall be capable of purchasing, holding and conveying any real or personal estate situated within the said village, for the use thereof.

Corporation created.

General powers.

§ 2. The said corporation shall have power to organize a fire company, to purchase and keep in repair one or more fire engines, and other apparatus for extinguishing fires; to remove nuisances and obstructions from the highways, streets and sidewalks in the said village; to clear out and remove nuisances from the creeks and mill-ponds in said village; and to prevent their accumulation in said creeks and ponds; to erect and keep in repair hay scales, and fire engine house or houses; to remove and prevent nuisances in said village, and to raise money by tax, to be levied upon the real and personal property in said village, to carry into effect the above mentioned pow-

ers ; but no tax shall be raised without the consent of a majority of the voters, liable to be taxed, present at any legal meeting duly notified, of the inhabitants of said village qualified to vote.

§ 3. It shall be lawful for the inhabitants of said village, qualified to vote, to meet on the first Tuesday of May next, at such time and place in said village, as shall be appointed by some justice of the peace of the said town of Ridgeway, and notified to the inhabitants of said village, at least one week previous thereto, by notice posted in three public places in said village, and then and there elect five discreet freeholders of said village, to be trustees thereof, three assessors, one treasurer, one constable, and one collector of said village, resident therein ; and such justice shall preside at such meeting, and declare the persons having the greatest number of votes duly elected to the several offices aforesaid. And in like manner on the first Tuesday of May in each year thereafter, there shall be an annual election of the officers of said village above specified ; and the trustees for the time being shall notify the time and place for holding such meeting, and preside at the same. And the several officers aforesaid, shall hold their offices until the first Tuesday of May next after their election, and until others are elected in their stead, and have taken their oaths of office required by this act. And in case by any cause whatever, such officers, or any of them, shall not be chosen on the day herein appointed for the same, the corporation of the village shall not be dissolved, but it shall be lawful for the inhabitants of said village, on some other day, to be notified by the trustees for the time being aforesaid, to elect any or all of the officers aforesaid, not before chosen in manner aforesaid.

§ 4. The said trustees, assessors, treasurer, constable and collector, and all persons elected or appointed to office by the board of trustees of said village, shall, within ten days after each and every election and appointment, and before they proceed to execute the duties of their respective offices, take and subscribe an oath or affirmation before any justice of the peace in said county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

§ 5. The treasurer, constable and collector shall, before they enter on the duties of their offices respectively, give such bond with one or more surety to the trustees of said village, for the faithful performance of the trust reposed in them, as the majority of the said trustees shall deem sufficient.

§ 6. The trustees of said village, within ten days after their election in each and every year, shall choose and appoint some one suitable person of their body to be president of said board of trustees, to order extraordinary meetings of said trustees,

whenever he shall think proper, to receive complaints of the breach of any of the laws; to see that the by-laws, rules, regulations and ordinances are duly executed and observed, and to prosecute in the name of the trustees of the village of Medina, all offenders against such by-laws, rules, regulations and ordinances, and to do such other acts and things as may be proper for him as president of the board of trustees to do. And in case of the death, or disability, or refusal to serve of said president, the said trustees shall proceed to choose out of their body a successor; in the manner above mentioned.

Clerk.

§ 7. The said trustees shall, within ten days after their election in each and every year, choose and appoint some suitable person to be clerk of said board of trustees, whose duty it shall be to keep a record of the doings of the said board of trustees, especially of the passing of by-laws, rules, regulations and ordinances; and the clerk shall, within ten days after the passing of any such by-laws, rules, regulations and ordinances, put up in three public places in said village, a copy thereof. And further, it shall be the duty of the clerk to keep a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, in a book to be provided by him for that purpose, and the said clerk shall hold his office until another shall be appointed and qualified.

Vacancies,  
how to be filled.

§ 8. In case of a vacancy by death, disability, removal, or refusal to serve of any of the officers elected, chosen, appointed or otherwise created by virtue of this act, it shall be the duty of the board of trustees, by a warrant under the hands of the president thereof, to appoint some suitable person to fill such vacancy, and the person so appointed shall have like powers, and be subject to the same restrictions as if elected or appointed in the manner aforesaid.

Firemen.

§ 9. It shall be the duty of the said trustees, and they are hereby authorized and empowered, to appoint, under the hands of the president and clerk of the board of trustees and seal of said corporation, a company of firemen, not exceeding twenty to each fire engine kept in repair for the use of said village, and the whole or any part of them to remove at their pleasure, and others to appoint in their stead. And it shall be the duty of said firemen to have the management, working and use of the engines belonging to said village, and the other implements for extinguishing fires, under the orders of the trustees acting as fire wardens.

By laws.

§ 10. It shall be lawful for the trustees of said village and their successors, to make and publish such by-laws, rules, regulations and ordinances, not repugnant to the laws of this state, as they may from time to time deem proper, in relation to obstructions in the highways, streets and sidewalks of said village, and the creeks and ponds in the same, and to regulate

hawkers and pedlers ; to firing guns and fireworks in said village ; to running horses in the same ; to restraining swine and any kind of animals from running at large in the streets ; to keeping and regulating hay scales and the price of weighing ; to the safe deposit of ashes ; to regulating the construction, and keeping in repair of fire places, chimnies, stoves and stove pipes ; to keeping fire buckets, hooks and ladders, and assisting to extinguish fires ; to restraining any riot, rout, noise, disturbance or disorderly assemblage in any street or place in said village.

§ 11. The said trustees, as often as they shall make or publish any by-laws, rules, regulations, or ordinances, for the purposes aforesaid, may ordain and provide such reasonable fines, forfeitures and penalties, upon the offenders against any such by-laws, rules, regulations or ordinances, as they shall deem proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, by the trustees, in the corporate name of the said corporation, to and for the use of the said corporation ; and in all cases, it shall be deemed sufficient for the said trustees, in any suit or action, to be brought for any such fines, penalties or forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Medina in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration, to give the special matter in evidence ; and the freeholders and inhabitants of said village shall be deemed and are hereby declared, to be competent to give testimony in any cause, and the justices of the county of Orleans, residing in said village, to try any cause, and the freeholders of said village to serve as jurors, and the constables residing in said village, to serve jury or other process in any cause, wherein said trustees are a party.

§ 12. All moneys raised by tax in said village, shall be assessed upon the inhabitants, by three assessors, who shall be freeholders in said village, and collected by the collector of the corporation, in like manner as the taxes of counties and towns are collected, by virtue of a warrant to him directed, by a majority of said trustees ; but no tax shall be raised without the consent of a majority of the voters present at any legal meeting of the inhabitants liable to state and county tax, who are qualified to vote for officers in said corporation ; and no purchase or sale of any real estate shall be made, and no public buildings erected or disposed of by the said corporation, without the consent of the voters aforesaid, in open meeting, duly warned, first had and expressed by a majority of votes then and there given ; and in case they shall vote to raise any money for any of the purposes authorized by this act, it shall be specified for what purposes such sum, or any part thereof, shall

be appropriated, as far as may be convenient, not exceeding four hundred dollars in any one year, except for fire engines, which said taxes shall be assessed upon the real and personal estate within said village, in like manner, and with such forms, as town assessors are by law required to observe.

Sidewalks.

§ 13. No part of the moneys to be raised by virtue of the preceding section, shall be applied to the making or repairing of sidewalks; but all taxes for such purposes, shall be apportioned by the assessors in a just and equitable manner, in proportion, as near as may be, to the advantage to be derived from such improvement.

Assessors to give notice.

§ 14. The said assessors, when they shall have completed any such assessment, shall give the like notice of the same as assessors of towns are required to do; and any person considering him or herself aggrieved thereby, may appeal from the said assessors to the trustees of the village, who shall hear such appeal, and do justice in the premises, and in case either party shall conceive themselves aggrieved by such decision, it shall be lawful for him, within ten days, to appeal to the supreme court commissioner for the county of Orleans, giving three days' notice of such appeal, whose decision shall be final in the premises.

Taxes, how to be collected.

§ 15. The person or persons in possession of any real or personal estate in the village of Medina, at the time any tax shall be assessed, shall be liable to pay the amount assessed thereon.

Moneys to be paid to the treasurer.

§ 16. The collector shall, within such time as shall be specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer; and all moneys in the hands of the treasurer shall be liable to be drawn out by the trustees, and applied to, and disposed of, by them, for the benefit of said village, according to the provisions of this act; and it shall be lawful for the said trustees to issue new warrants, or to renew those which may be issued by them or their predecessors, for the collection of any taxes imposed by virtue of this act, from time to time, so often as such warrants shall not be returned collected, during the time prescribed by law, and at their discretion to remit any penalty or forfeiture, by reason of the breach of any by-law of said village.

Pay of officers.

§ 17. The clerk, treasurer, assessors, and collector, and officers and agents, appointed and employed by said trustees, shall be allowed such reasonable compensation as the said trustees shall provide by a by-law for that purpose.

Penalty.

§ 18. Any person who shall be elected or appointed to any office created by this act, and shall refuse to accept the same,



or shall neglect to take the requisite oath, within the time above limited, shall forfeit and pay the sum of ten dollars, to be recovered and applied as other fines are by this act directed to be recovered and applied.

§ 19. The legislature may at any time amend, alter or repeal this act. Rights reserved.

## CHAP. 35.

*AN ACT concerning the State Prison at Mount-Pleasant.*

Passed March 8, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The sum of thirty thousand dollars is hereby appropriated for the support of the state prison at Mount-Pleasant, to be paid by the treasurer, on the warrant of the comptroller, and accounted for in the manner provided by law.

§ 2. The inspectors of the state prison at Mount-Pleasant are hereby authorised to increase the number of the assistant keepers thereof to twenty-six, and the guards thereof (including the sergeant,) to thirty.

§ 3. This act shall be in force from the passage thereof.

## CHAP. 36.

*AN ACT to incorporate the President, Directors and Company of the Steuben County Bank.*

Passed March 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be established in the village of Bath, and <sup>Name</sup> county of Steuben, a bank, to be called "The Steuben County Bank," whose operations of discount and deposit shall be carried on in the village of Bath, and not elsewhere.

§ 2. All persons who shall become holders of the capital stock of the said bank, pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of "The President, Directors and Company of the Steuben County Bank;" and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-two. Corporation created.

Banking  
powers.

§ 3. The said corporation shall have power to carry on the business of banking ; by discounting bills, notes and other evidences of debt ; by receiving deposits ; by buying and selling gold and silver bullion, foreign coins and bills of exchange ; by issuing bills, notes and other evidences of debt ; and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business : or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due : or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings : or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restriction.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into three thousand shares of fifty dollars each ; and John Magee, Constant Cook, William S. Hubbell, Andrew B. Dickinson and John D. Higgins, are hereby appointed commissioners to receive subscriptions to the said capital stock.

Subscription  
book.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in the village of Bath, as they shall appoint ; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in that village.

To be kept  
open 3 days.

§ 8. The book for subscriptions shall be kept open at least three days, and the sum of one dollar on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription.

Further sub-  
scriptions.

§ 9. If the whole of the capital stock be not taken up during the said three days, the commissioners may receive further subscriptions on such other day, and at such place in the village of Bath, as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the corporation shall be taken up.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; but no person who shall have subscribed for twenty shares or upwards, shall, upon such distribution, receive less than twenty shares, unless the subscription for the said last mentioned, or a less number of shares, shall exceed the whole amount of capital stock: nor shall there be allowed to any one of the commissioners, directly or indirectly, or to any one in trust for him, more than one hundred shares of said stock, if without such allowance the whole stock be taken up. Distribution of stock.

§ 11. No corporation having banking powers under the authority of this state or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the said corporation, nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith, in security for a debt or loan; and in such case, the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller, for the benefit of the said fund. Restriction.

§ 12. The stock, property, affairs and concerns of the said corporation, shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of the said corporation. Directors.

§ 13. The first election for directors under this act shall be held at such time and place in the village of Bath, as shall be directed by the commissioners herein before appointed; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected, shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-three, and until others are elected. First election.

Subsequent  
elections,

§ 14. The directors for every subsequent year, shall be elected on the second Tuesday of June of every year, at such time of the day, and at such place within the village of Bath, as a majority of the directors for the time being shall, by resolution, to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead.

Notice.

§ 15. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said village of Bath.

Votes.

§ 16. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting: at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law, except that in case any one person shall hold more than four hundred shares, (including all shares which may be held by any other person in trust for him,) no more than four hundred votes shall be given upon all such shares.

Elections  
how conduct-  
ed.

§ 17. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes, shall be directors; and if at any election two or more persons have an equal number of votes, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number.

Vacancies.

§ 18. If any director shall remove out of the state, or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person as the remainder of the directors for the time being, or a majority of them, shall appoint.

President.

§ 19. The directors elected, as soon as may be after their election, shall proceed, in like manner, to elect one of their number by ballot to be their president.

Banking  
when to com-  
mence.

§ 20. The said corporation shall not commence the business of banking until the whole of the capital stock of the corporation shall have been paid to the said corporation, in specie or current bank bills, and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has, to the knowledge of such officers, been made, to enable any stockholder to pay up the

amount of his shares, or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security, by such corporation; and any person guilty of wilful false swearing in any such oath, shall be subject to the pains and penalties of perjury.

§ 21. The directors of the said corporation shall have power, from time to time, to appoint so many officers, clerks and servants, for carrying on the business of the corporation, and with such compensation as to them shall seem meet.

§ 22. The directors for the time being shall also have power to make and prescribe such by-laws, rules and regulations, as shall be needful, touching,

1. The government of the said corporation, and the management and disposition of its stock, business, property, estate and effects:

2. The time, manner and terms upon which discounts and deposits shall be made and received in and by the same:

3. The duties and conduct of the officers, clerks and servants employed by the said corporation: and,

4. All such matters as may appertain to the concerns of the institution.

§ 23. The directors for the time being shall have power to require the stockholders, respectively, to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under the pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week for eight weeks successively, in one or more of the newspapers printed in the village of Bath; which notice so to be published, shall be a sufficient call on each stockholder, to authorise, in case of his default to comply therewith, the forfeiture above provided.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory upon the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person, and every evidence of debt issued under the seal of such corporation, and assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name.

§ 26. It shall be the duty of the directors of the said corporation to make dividends half yearly, or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they or a majority of them shall deem advisable.

**Transfers.**

§ 27. No transfer of any stock in the said corporation shall be valid, until such transfer shall have been registered in a book, to be kept by the directors of such corporation for that purpose; which book shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any note, bill or other evidence of debt issued by such corporation, the payment of which shall have been refused.

**Penalty.**

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

**In case of neglect or refusal to redeem notes.**

§ 29. If at any time the president, directors and company of the said corporation shall neglect or refuse, for ten days after demand, at their banking house, during the regular hours of business, to redeem, in specie, any evidence of debt issued by the said corporation, the said president, directors and company shall discontinue and close, until they shall resume payment as aforesaid, all their operations and business, except the securing and collecting of debts due or to become due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following.

**Application as to chancellor.**

§ 30. The said corporation may, after the payment of its debts shall have been refused; apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if such chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

**Damages.**

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

**Restriction as to bills of foreign banks**

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes, or other evidences of debt of any monied institution without the jurisdiction of the state, and which shall be made payable at the said Steuben county bank; and it shall not be lawful for the said corporation to give public notice that it will redeem the bills, notes or other eviden-

ces of debt of any monied institution beyond the jurisdiction of this state.

§ 33. The said corporation shall possess the general powers of a corporation, as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the section next following. General powers.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829. Subject to act of April 2, 1829.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for making any loan or discount by such corporation. Loans.

§ 36. The legislature may at any time modify, alter or repeal this act, or any of its provisions. Rights reserved.

## CHAP. 37.

AN ACT to amend the Charter of the Phoenix Fire Insurance Company, of the City of New-York.

Passed March 15, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The capital stock of the Phoenix Fire Insurance company, of the city of New-York, shall, from and after the first day of May, in the year one thousand eight hundred and thirty-two, be reduced from two hundred and fifty thousand dollars to two hundred thousand dollars, and a share in the stock of said company from fifty dollars to forty dollars.

§ 2. The said corporation shall be subject to the operation of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

## CHAP. 38.

## AN ACT to incorporate the Hudson River Coal Company.

Passed March 15, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Erastus Corning, Barnum Whipple, Anthony Dey, and their associates and assigns, are hereby created a body corporate and politic, in the city of Albany, by the name of "The Hudson River Coal Company," for the purpose of exploring and boring, with the consent of the owners of any land, for coal, ores and other mineral substances, and working mines and minerals when discovered, and of vending such coals, ores and other mineral substances as they may discover and work as aforesaid.

Capital stock

§ 2. The capital stock of said company shall be one hundred thousand dollars. A share shall be one hundred dollars, and shall be deemed personal property; and subscriptions to said stock shall be opened in the city of Albany, on the first Tuesday of June next, and on such other days as the commissioners hereinafter named shall appoint, under the direction of Erastus Corning, Barnum Whipple and Anthony Dey, who are hereby appointed commissioners for that purpose, and who shall give two weeks' public notice of the time and place of opening the books for said subscriptions, in a paper published in the city of New-York and the city of Albany: and five dollars shall be paid on each share at the time of subscribing; and if more than the capital stock be subscribed, the commissioners shall distribute the same among the subscribers thereto, as they shall deem most advantageous to the said corporation.

Directors.

§ 3. The affairs of said company shall be managed by seven directors, who shall be stockholders in the company, and who shall be annually elected by the stockholders by ballot, on the first Tuesday of June in each year, at such time of day and such place in the city of Albany, as the directors shall for that purpose appoint; of which election, and the time and place of holding the same, public notice shall be given for ten days, in one or more of the public newspapers published in the city of Albany. The directors shall choose one of their number to be president of said company, and the said directors and president shall hold the offices for one year, and until others are chosen in their stead: and Erastus Corning, Barnum Whipple, Anthony Dey, Walter Mead, Edward Curtis, Jonathan P. Clark and James Perkins, shall be the first directors



## FIFTY-FIFTH SESSION.

of said company, and shall hold their offices until the first Tuesday in June, one thousand eight hundred and thirty-three.

§ 4. The directors may appoint their own time of meeting, By-laws. may make such by-laws, rules and regulations as may be necessary, touching the management and disposition of their affairs and business, and the appointment, duties and conduct of their secretary, treasurer, clerk, agents and servants, and touching all such matters as appertain to the said corporation in carrying on the business aforesaid.

§ 5. The duration of this corporation shall be twenty years, Duration of charter. and the said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in title third of chapter eighteen of the first part of the Revised Statutes.

§ 6. The legislature may at any time alter, amend, modify Rights reserved. or repeal this act.

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### CHAP. 39.

*AN ACT authorising the Assessment and Collection of a certain sum of Money in School District No. 2, in the Town of Watervliet, County of Albany.*

Passed March 15, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be the duty of Gerrit T. Lansing, Hiram M. Hopkins and Isaac Fonda, trustees of district No. 2, in the town of Watervliet, county of Albany, to raise by tax upon the taxable inhabitants of said school district, in the manner prescribed by the fifth article of the fifteenth chapter of title second of the first part of the Revised Statutes, the sum of three hundred and sixty dollars and twelve cents; and to pay the said sum, deducting five per cent for the collection thereof, to Alvah W. Rockwell, Isaac Hitchcock and David Morrison, late trustees of said school district.

## LAWS OF NEW-YORK.

### CHAP. 40.

**AN ACT** *to extend and enlarge the Corporate Powers of the Farmers' and Mechanics' Manufacturing Company of New-Berlin.*

Passed March 15, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Company  
continued as  
a body politic

§ 1. The Farmers' and Mechanics' manufacturing company of New-Berlin, shall continue a body politic and corporate, in fact and in name, with all the privileges, capacities and liabilities mentioned and contained in the act entitled "An act relative to incorporations for manufacturing purposes," passed March 22, 1811.

Real estate

§ 2. Said company may purchase and hold real estate, not exceeding ten thousand dollars in value, in the town of Pittsfield, county of Otsego, and may erect buildings, and carry on the business of manufacturing cotton and woolen goods, or either, in said town of Pittsfield.

Duration of  
charter.

§ 3. This act shall continue in force for twenty-one years after the passage thereof.

General  
powers.

§ 4. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

Rights re-  
served.

§ 5. The legislature may at any time alter, amend, modify or repeal this act.

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### CHAP. 41.

**AN ACT** *authorising Augustus Gardner to maintain the Dam erected by Thomas Shankland across the Susquehannah River, near Cooperstown.*

Passed March 15, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The time granted to Thomas Shankland to build and maintain a dam across the Susquehannah river, near Cooperstown, by the act passed February 28, 1804, and by the act amending the same, passed February 26, 1808, is hereby extended to Augustus Gardner, his heirs and assigns, twenty-five years from the twenty-sixth day of February, one thousand

eight hundred and thirty-two, subject to all the provisions of the said acts; and that the said Augustus Gardner is hereby authorised to maintain and continue the dam erected by the said Thomas Shankland, across the Susquehannah river, at the same place and of the same height at which it was built by the said Thomas Shankland, being five feet and six inches, subject to the provisions of the aforesaid acts, excepting therefrom the right to set a plank or board on said dam, or in any other way or manner to raise the said dam more than five feet six inches.

§ 2. This act shall take effect immediately after the passage thereof, and the legislature may at any time hereafter alter, modify or repeal the same.

## CHAP. 42.

AN ACT to incorporate the *Arkwright Cotton Factory, in the Town of Pittsfield, Otsego County.*

Passed March 15, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Rouse Clark, Edward C. Williams, Jesse Beardsly, <sup>Corporation created.</sup> Paschal Franchot, Andrew G. Washbon, and such other persons as may be associated with them, are hereby declared and constituted a body corporate, in fact and in name, by the name of the Arkwright Cotton Factory, for the purpose of manufacturing cotton goods in the town of Pittsfield, in the county of Otsego.

§ 2. The capital stock of the corporation shall be one hundred thousand dollars, which shall be divided into one thousand shares of one hundred dollars each. <sup>Capital stock</sup>

§ 3. Subscriptions to the capital stock of said company shall <sup>Subscriptions</sup> be opened under the direction of the trustees hereafter named; and it shall be the duty of the trustees for the time being, to call for and demand of the stockholders respectively, all such sums of money by them subscribed, at such times and such proportions as they shall see fit, under the penalty of the forfeiture of their shares and all previous payments made thereon, to the said company, always giving thirty days' notice, to be published in one of the public newspapers in the county of Otsego, and in the state paper, at least once in each week, of such call or demand.

Trustees.

§ 4. The capital stock, property and concerns of said corporation shall be managed by seven trustees to be chosen annually from among the stockholders, on the third Wednesday in January, at such place as a majority of the trustees for the time being shall direct; and Jabez Beardslee, Volkert P. Van Rensselaer, Andrew G. Washbon, Benajah Davis, Edward C. Williams, Joshua Lamb, and Samuel White, shall be the trustees from the date of this act until the time of the first election, which shall be on the first Monday in May, one thousand eight hundred and thirty-two, or until others are chosen; thirty days' previous notice in writing, of every election under this act, shall be given by the clerk, secretary or agent, to each stockholder, and such election shall be holden under the inspection of the trustees for the time being; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, allowing each share one vote; and the seven persons having the greatest number of votes shall be trustees.

Election.

§ 5. If it should happen that an election of trustees should not be made on the day designated by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to make and hold an election of trustees in such manner as shall have been regulated by the laws and ordinances of said corporation.

Stock transferable

§ 6. The stock of the said corporation shall be deemed personal property, and assignable and transferable upon the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer, or receive a dividend, until such debt be paid to the satisfaction of the trustees.

Accounts.

§ 7. The trustees shall at all times keep, or cause to be kept, at their manufactory or ware house, proper books of account, in which shall be regularly entered all the transactions of the corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

General powers.

§ 8. The said corporation shall possess the general powers, and be subject to the general restrictions, provisions and liabilities of the third title of the eighteenth chapter of the first part of the Revised Statutes.

Rights reserved.

§ 9. The legislature may at any time amend, modify or repeal this act.

## CHAP. 43.

**AN ACT to enable the Mayor, Aldermen and Commonalty of the City of New-York to raise Money by Tax.**

Passed March 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and are hereby empowered, as soon as conveniently may be, after the passage of this act, to order and cause to be raised by tax on the estates real and personal of the freeholders and inhabitants of and situated within the said city, to be collected a sum not exceeding three hundred thousand dollars, to be applied to the support and maintenance of the poor of the said city and county; the support and maintenance of criminal persons; the support of the bridewell and penitentiary of the said city; the repairing and taking care of the other public buildings belonging to and under the care of the mayor, aldermen and commonalty of the city of New-York; the making, regulating, repairing and improving the public roads in the said city and county; the defraying the other contingent expenses properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty of the city of New-York may sustain or be put to in executing the powers vested in them by an "Act to reduce several laws relating particularly to the city of New-York, into one act," passed April 9, 1813. And also such further sum, by a tax as aforesaid, as is required to be raised by a tax in the said city for the support of common schools, and as may be necessary for supplying the deficiencies of taxes upon any and every of the wards of the said city, imposed or laid during the year one thousand eight hundred and thirty-one, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax, and also for defraying the whole of the expenses for assessing and collecting the taxes to be raised, as aforesaid; (such deficiencies, however, to be assessed on the estates real and personal of the inhabitants of and situated within the wards respectively where they shall happen, as aforesaid;) and also a further sum not exceeding two hundred and fifty thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants of and situated within the said city to the southward of a line beginning on the East River, at the foot of Fourteenth-street, and running thence west-

The sum of \$300,000 to be raised.

A sum to be raised for common schools.

A further sum of \$250,000 to be raised.

erly through the centre of Fourteenth-street to the centre of the Sixth Avenue; thence northerly through the centre of Sixth Avenue to the centre of the Twenty-first-street; thence westerly through the centre of Twenty-first-street to the North River, as the said streets and avenues are laid down on the map of the said city, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York shall appoint and employ for watching and guarding the said city; to the purchasing of oil, providing and putting up of lamps, and repairing, cleaning and lighting those which now are, or hereafter may be, erected within that part of the said city last described; to cleansing and repairing public wells and pumps, and to defraying the other contingent expenses arising within and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct: and also such further sum, by a tax as aforesaid, as may be necessary for supplying the deficiencies of taxes upon all that part of the city to the southward of the line aforesaid, during the year one thousand eight hundred and thirty-one, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax; and also for defraying the expenses of assessing and collecting said taxes; such deficiencies, however, to be assessed upon the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively where they shall happen as aforesaid, to the southward of the line aforesaid.

How to be  
collected.

§ 2. The said several sums of money shall be assessed and collected in the manner directed in and by the thirteenth chapter of the first part of the Revised Statutes, entitled "Chapter thirteenth of the assessment and collection of taxes," as the same was passed to take effect on the first day of January, one thousand eight hundred and twenty-eight, except so far as the said chapter may be contrary to the provisions contained and referred to in the act entitled "An act respecting the collection of taxes in the city of New-York," passed April 6th, 1825, and of the act to amend the same, passed April 20, 1830; and also in the fourth section of the act of March 10, 1820, entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York to raise money by tax;" which said three last mentioned acts, so far as they concern the assessment and collection of all or any taxes and assessments in the city of New-York, and all the acts and provisions contained or referred to in the same, which relate particularly to the said city of New-York, are hereby declared to be in full force and effect so far as aforesaid; and each person's tax in every separate ward of the said city shall be collected in one pay-

ment ; and the money so collected, paid into the hands of the treasurer or chamberlain of the said city, at such time as is appointed and directed, agreeably to the law in such cases made and provided.

## CHAP. 44.

*AN ACT to change the Name of the Town of Plato, in the County of Cayuga.*

Passed March 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the county of Cayuga, now known as the town of Plato, shall hereafter be called and known by the name of Summer Hill. Name changed to Summer Hill.

§ 2. Nothing contained in this act shall in any way affect the rights of any inhabitant or officer of said town, or of the town itself, or of any person. Rights.

§ 3. This act shall take effect on its passage.

When to take effect.

## CHAP. 45.

*AN ACT relating to the Relief and Support of the Poor in the City and County of Albany.*

Passed March 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the board of supervisors of the county of Albany, and mayor, aldermen and commonalty of the city of Albany, to enter into any contract or agreement between them, to abolish all distinction between town poor and county poor, in the said city and county, from and after the first day of May next, and for appropriating the alms-house and farm now belonging thereto, in the city of Albany, for the support of all poor in the city and county, transient and resident, and for the allowance of such sum, to be paid to the said city by the county for the use of the same, and for any additional buildings and appurtenances, as the said supervisors and the said mayor, aldermen and commonalty may agree upon ; and any contract or agreement, already made and entered upon the minutes of the said board of supervisors, and of the said mayor, aldermen and commonalty, and agreed to by the said respec- Town and county poor.

tive boards for the purposes aforesaid, and not inconsistent with this act, shall be valid and effectual, as if the same had been made after the passage of this act.

Poor, how  
and where to  
be supported.

§ 2. Every poor person entitled to support according to law, within the said city and county of Albany, shall from and after the first day of May next, be supported and maintained by the mayor, aldermen and commonalty of the city of Albany, at the expense of the county; and all poor persons so entitled to support on the first day of May next, shall be removed by the overseer of the poor of the several towns, and the overseer of the poor of the city of Albany, to the said alms-house, at the expense of the several towns and the said city, each for the removal of the poor then belonging to them respectively; and thereafter the necessary expense of the removal of any poor person from any town in the said county, to the said alms-house, shall be paid on the certificate of the keeper of the alms-house, by the chamberlain of the city of Albany.

Alms house.

§ 3. The mayor, aldermen and commonalty of the city of Albany shall have the charge and care of the said alms-house and farm, and of all the said poor persons who may be removed there for support, and appoint a superintendent and physician, and hire any other persons necessary for the proper management and government thereof.

Moneys re-  
ceived, how  
to be paid.

§ 4. All the money which shall be received by the commissioners of excise, or for lottery licenses, and all money received by the overseers of the poor, in their official capacity, in the city and in the several towns in said county, shall be paid over to the chamberlain of the city of Albany, for the said mayor, aldermen and commonalty, within thirty days after the receipt thereof, under the penalties now provided by law in cases where the distinction between town and county poor is abolished, which money shall be disbursed for the support of the said poor, and accounted for by the said mayor, aldermen and commonalty in their annual account of receipts and disbursements.

Temporary  
relief.

§ 5. Temporary relief may be granted to poor persons by the several overseers of the poor of said county, in the manner now provided by law; but no such relief shall be granted exceeding the sum of ten dollars for any one person or family, without the written assent of the supervisors of the town where such relief is granted, or if in the city of Albany, without the assent of the board of magistrates for the relief and support of the poor of said city, which written assent shall accompany the order of the justice granting such relief, and shall entitle the overseer to receive any sum he may have paid in pursuance of such order, from the chamberlain of the city of Albany.



§ 6. At the next annual meeting of the board of supervisors of the county of Albany, and at each annual meeting thereafter, the chamberlain of the city of Albany shall exhibit an accurate account of the receipts and disbursements for the support of the said alms-house and the paupers therein, and the salaries and pay of the persons employed in the management thereof, to be audited and settled by the said board of supervisors, and the balance thereof, if any, together with such sum as the said board of supervisors shall estimate to be necessary to defray the expenses aforesaid, during the succeeding year, shall be raised, levied and collected as part of the expenses of the county, and paid over to the chamberlain of the city of Albany, for the use aforesaid.

Accounts to  
be rendered.

§ 7. This act shall continue in force for five years from the first day of May next, and so much of the law as provides for the appointment of county superintendents, and their powers and duties, and all the provisions relating to the relief and support of indigent persons, which are inconsistent herewith, so far as regards the county of Albany, are hereby suspended during the time aforesaid.

Duration of  
act.

## CHAP. 46.

AN ACT to amend the Charter of the Troy Insurance Company.

Passed March 19, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Troy insurance company are hereby authorised to loan their surplus profits, or any portion thereof, upon such personal security as they may deem expedient ; but nothing herein contained shall be construed as authorising said company to loan or invest any portion of their capital stock in any other manner than that provided by the twenty-first section of the act hereby amended.

## CHAP. 47.

AN ACT for the relief of Elizabeth Potts, Jane Russel, and Isabel Blakie, sisters of David Campbell, late a resident alien, deceased.

Passed March 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Real estate to be sold.

§ 1. Elizabeth Potts and Andrew Cowan, of the town of Andes, in the county of Delaware, acting executors of the last will and testament of David Campbell, late of Andes aforesaid, deceased, a resident alien, are hereby authorised to sell the real estate of which the said David Campbell died seised or possessed in Andes aforesaid, which real estate is described as the northeasterly half of lot number thirty-one, in great lot number thirty-eight, in the Hardenburgh patent, containing one hundred acres, more or less.

For cash or on credit.

§ 2. Such sale may be made for cash or on a reasonable credit, in the election of said executors, and the said Elizabeth Potts may, if she choose, become a purchaser ; and the sale shall be conducted and made, and conveyance or conveyances given, as is now prescribed by law for the sale of lands by executors.

Executors to report to surrogate.

§ 3. The said executors shall report to the surrogate of Delaware county their proceedings in relation to said sale, and if approved of by him, and such sale being made in pursuance of the provisions of this act, the title of the people of this state in said real estate, acquired by escheat on the death of said David Campbell, is hereby released, and by virtue of this act, vested in the purchaser or purchasers of said real estate.

Their remuneration.

§ 4. The said executors shall be entitled to the same remuneration on such sale as other executors are entitled to ; and after paying or retaining all expenses, shall pay all just debts, dues and demands against the said David Campbell, deceased, including the demand of the said Elizabeth Potts, if any ; and for all payments, and the avails of said real estate, shall account to and with the surrogate of Delaware county, who is hereby invested with full authority and jurisdiction in the premises ; and the residue of the avails of said real estate shall be paid in equal portions to the said Elizabeth Potts, Jane Russel, wife of Matthew Russel, and Isabel Blakie, wife of Joseph Blakie, the said Elizabeth Potts, Jane Russel and Isabel Blakie being sisters of the said David Campbell, deceased.

When to take effect.

§ 5. This act shall take effect immediately after the passage thereof.

## CHAP. 48.

AN ACT to incorporate the *Walden Company*.

Passed March 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Gilbert Ogden Fowler, Albert Chrystie, David Crawford, John W. Knevels, and all such persons as now are, or hereafter may become stockholders of the said company, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the Walden Company. Corporation created.

§ 2. The corporation hereby created is for the purpose of purchasing, holding and improving the water power and mill sites at the falls of the Wallkill, in the village of Walden, in the town of Montgomery, and county of Orange, and for creating hydraulic, mechanic and manufacturing establishments, for manufacturing woollen and cotton goods, and iron, hemp and flax, and carrying on the business connected therewith, and no other. And for such purposes, shall be in law capable of purchasing, holding, conveying and leasing the water power and mill sites above mentioned, and the lands adjacent thereto, so far as the same shall be requisite to carry on the hydraulic, mechanic and manufacturing operations of this corporation; or to hold, sell, or otherwise dispose of such lands or real estate as shall have been bona fide mortgaged to it by way of security for sales, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which shall have been obtained for such debts, or sales made by virtue of any mortgage given to the said corporation for the purposes aforesaid. And shall have the power to purchase, hold and improve any water privilege on the Wallkill, above the said falls, and within the town of Montgomery, which may be necessary to secure and afford them an equable and regular supply of water for their mills to be erected as aforesaid. For manufacturing purposes.

§ 3. The capital stock of the said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; but it shall be lawful for the said corporation, when and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed and paid in, to commence their operations, and with that capital, to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned. Capital stock

Subscriptions  
to stock.

§ 4. The subscription to the said stock shall be opened under the direction of George D. Wickham, Gilbert O. Fowler, John W. Knevels, Albert Chrystie, Abraham Godwin, junior, Isaac Pierson and William F. Mott, or any four of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such day and at such places in the city of New-York as they shall appoint, giving at least fourteen days' notice of such time and place of receiving subscriptions, in one of the public newspapers printed in the county of Orange, and in one or more printed in the city of New-York. And that the sum of five dollars on each share shall be paid to the said commissioners, on such subscriptions as they shall receive as aforesaid. And in case the amount of one hundred thousand dollars should not be taken on said day, then the said commissioners, or a majority of them, are authorised on such other day or days, and such place or places, as they shall from time to time appoint, to receive further subscriptions, until the whole required capital stock shall have been subscribed for and taken up.

Directors.

§ 5. The stock, property and concerns of the said company shall be managed and conducted by thirteen directors, any seven of whom may be a quorum to transact business, one of whom to be president, who may respectively hold their offices for one year, and until others are chosen, and no longer. And the said board of directors shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day and at such place as shall be designated by the said commissioners, or a majority of them; and the said commissioners are hereby appointed inspectors of such elections, and shall certify under their hands the names of those duly elected, and deliver over the subscription books to the said directors, and also all moneys paid to them for subscriptions to the said capital stock, as shall remain in their hands after defraying the expenses attending the taking of such subscription, and other incidental charges. And the directors then chosen, shall hold their offices until the first Tuesday of June succeeding their election, and until others shall be elected in their stead; and the directors after the said first term shall have expired, shall be chosen annually on the first Tuesday of June in each year, and at such place in the county of Orange as a majority of the directors may prescribe, of which, and every election, notice shall be given at least fourteen days previous, by publication in one of the newspapers in the county of Orange, and in the city of New-York; and such election shall be holden under the direction of three stockholders, to be appointed by the directors for the time being, and shall be made by ballot, by a plurality of votes, allowing one vote for each share, and the stockholders not present may vote by proxy.

§ 6. In case at any time it shall happen that an election of directors should not be made on any day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. Election.

§ 7. The stock of the said corporation shall be assignable and transferable, according to such rules and regulations as the board of directors may make and establish, and shall be considered as personal property. Stock assignable.

§ 8. The directors shall have power to make all such by-laws, rules and ordinances as to them shall appear needful and proper for the management and disposition of the stock, property, estate and effects of the said corporation; to appoint and fix the salaries of all such officers and agents as they may deem proper; to fill all vacancies that may occur in the board by resignation or death. By-laws.

§ 9. It shall and may be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in one or more of the public newspapers printed in the city of New-York and the county of Orange. Calls on stockholders

§ 10. No transfer of stock in said company shall be valid until the same shall have been registered in a book or books to be kept for that purpose, which book or books shall, at all reasonable times of transacting business, be open to the examination of any stockholder; and in case any officer of said company shall have refused to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of one hundred dollars, the one moiety thereof to the people of the state of New-York, and the other moiety to him or them who shall sue for the same by action of debt, in any court of record, together with the cost of such suit. Transfer of stock.

§ 11. It shall be the duty of the directors of the said corporation to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable. Dividends.

§ 12. The directors shall at all times keep, or cause to be kept, at the office of their secretary, proper books of account, in which shall be regularly entered all the transactions of said corporation; which book shall be subject, at all times, to the Accounts.

inspection of the stockholders; and the directors, on going out of office, shall account to their successors, and pay over all moneys of the company in their hands.

General  
powers.

§ 13. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of title third of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Rights re-  
served.

§ 14. The legislature may, at any time hereafter, alter, modify or repeal this act.

## CHAP. 49.

AN ACT to authorise George W. Cockman and Eliza Cockman to change their Names.

Passed March 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for George W. Cockman, of the city of New-York, to assume the name of George B. Browne, by which name he shall hereafter be known. And it shall also be lawful for Eliza Cockman, of said city, to assume the name of Eliza Browne, by which name she shall hereafter be known.

## CHAP. 50.

AN ACT to change the Name of the Associate Reformed Congregation of Neelytown, in Orange County.

Passed March 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The elders and trustees of the Associate Reformed Congregation of Neelytown, in the county of Orange, shall be hereafter known by the name of "The Elders and Trustees of the Associate Reformed Congregation of Hamptonburgh," and by that name hereafter have succession, and retain all the rights and privileges, and be subject to all the responsibilities and liabilities of what kind and nature soever, to which the said elders and trustees of the associate reformed congregation of Neelytown are now, or would have been hereafter, entitled to or responsible for, had not this act been passed.

## CHAP. 51.

**AN ACT** in relation to the "*Troy Water-Works Company*," and for insuring to the City of Troy a supply of Water for the extinguishment of Fires, and other purposes.

Passed March 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That it shall be lawful for the Troy water-works company to grant, sell and convey all such estate, right, title and interest, as it may have acquired and now holds or may become entitled unto under its charter, to the mayor, recorder, aldermen and commonalty of the city of Troy ; and it shall be lawful for the said mayor, recorder, aldermen and commonalty of said city, to accept of such granted premises and property, with the appurtenances, and to take, manage and control the same for the purpose of more certainly and efficiently supplying the city of Troy with water for the extinguishment of fires and other purposes.

Company may sell estate, &c. to the city of Troy.

§ 2. That from and after the said grant and acceptance thereof as aforesaid, the charter of the said water-works company shall be void and of no effect ; and the said mayor, recorder, aldermen and commonalty of said city of Troy, shall be capable of purchasing, holding and conveying any estate, real or personal, which may be necessary and required for supplying said city with water, and may, by themselves or by their agents, servants, engineer or engineers, employed by them for that purpose, take possession of any lands or waters, (excepting the waters of the Poesten and Wynant's kills,) and use the whole or any part of any fountain, springs or streams of water ; and may erect on their margins or elsewhere, all such reservoir or reservoirs, or buildings, and construct such works and machinery, as may be necessary for the purposes aforesaid ; and may enter upon any lands through which they may deem it to be proper and necessary to convey the water of such fountains, springs, streams and reservoirs, or through which to carry or lay any conduit, or to construct any reservoir or reservoirs, or erect any other devices for the purpose of supplying the said city with water as aforesaid ; and to lay out and survey so much ground for the purposes aforesaid, as they may deem to be necessary ; and it shall and may be lawful for the said mayor, recorder, aldermen and commonalty, to contract and agree with the owner or owners or occupant of the said lands and waters, severally, so laid out and surveyed through which the said waters and conduits are intended to be

After which charter to be void.

carried or laid, and the reservoirs and other devices erected and placed, for the purchase thereof, if they can agree with the occupants or owners of such lands and waters ; but in case of disagreement, or in case any owner or occupant of such lands or waters, shall be a feme covert, under age, non compos mentis, out of the state or unknown, the lands and waters intended to be taken for the purposes aforesaid, shall be appraised in the manner herein after directed.

Damages,  
how assessed.

§ 3. In case the said mayor, recorder, aldermen and commonalty, shall not agree with the owners or occupants of the waters or lands through which such waters are intended to be carried, and works erected, for the purchase thereof, they shall, previous to any appraisement for ascertaining the value thereof, and of the damages to be assessed and paid, cause a survey to be made of the tract or tracts of lands and waters, and the direction in which it is intended such waters, reservoirs and conduits shall run, and be erected, and of the ground deemed necessary and requisite for conveying the said waters from the said fountains, springs, streams or reservoirs, and for laying conduits, reservoirs and other devices, in the field book of which survey and map shall be specified and distinguished so much of the lands of each of the owners or occupants, as it may be intended to appropriate to the works aforesaid, and the quantity thereof, as nearly as may be ; and shall exhibit such field book and map or maps, to the chancellor of this state, who shall certify such field book or books, map or maps, under his hand, and cause the same to be filed in the office of the clerk of the county of Rensselaer, there to remain a public record ; and the said chancellor is then hereby authorised and required to appoint three competent and discreet commissioners, who shall, under the directions of the chancellor, appraise and determine the damage and recompense which each of the owners or occupants of such lands and waters may sustain or be entitled to receive, and report the same, under their hands, or the hands of any two of them, to the said chancellor, who shall examine the same, and hear the parties thereto, if he shall deem it to be expedient, and increase or diminish the damages or recompenses if he shall be satisfied that injustice has been done ; and upon proof being made to the chancellor of the payment within sixty days after his determination, of the amount of such damages or recompenses to the owner, or the owners or occupants, respectively, or upon proof to the said chancellor of the depositing to the credit of such owner or occupant, the amount of such damage and recompense as may have been awarded to him or them, in such incorporated institution as the chancellor shall direct, and of the payment of all expenses, the said chancellor shall make an order, vesting in the said mayor, recorder, aldermen and commonalty of the said city of Troy, the lands, waters and pro-



perty, required and so designated and described on such maps and field books; and the said chancellor shall, from time to time, make such further orders and decrees, in relation to the premises, and in relation to the concerns of the said water-works company, as may be necessary for carrying into effect the intentions of this act, and securing the just rights of all parties, and for procuring for the city of Troy, either by the city or by the water-works company, a full and adequate supply of water; he shall also supply vacancies occasioned by the death, declining to serve, or absence from the state, of any of the commissioners for the appraisalment of damages, by the appointment of other commissioner or commissioners, in his or their stead; and also order new surveys, maps and field books, or their alteration or amendment, where it appears that errors or omissions have occurred.

§ 4. In order that the provisions of this act may be carried promptly into effect, it shall be lawful for the said mayor, recorder, aldermen and commonalty, to constitute a fund to be denominated the water-works fund, which shall consist of all such donations to it as may be made by individuals or corporate bodies, and appropriations by the common council of the said city, including the lands, waters and water-works to which the said city may become entitled under the provisions of this act; and to borrow moneys on the faith and credit of said city, so that the aggregate of the debt of the city on account of this fund, shall not at any time exceed the sum of sixty thousand dollars; and to execute therefor to the lender or lenders, a bond or bonds under the common seal of the said city, countersigned by the mayor; and to secure to the lender or lenders the punctual payment of the interest, and redemption of the principal, at such time or times, place or places, as may be agreed upon with the lenders or determined by the common council of said city; may pledge, hypothecate, or mortgage any estate real or personal belonging to the said city or to which it may become entitled under the provisions of this act; or instead of making and executing such bonds or other sureties as aforesaid, it shall be lawful for the said mayor, recorder, aldermen and commonalty of said city, for the moneys to be borrowed for the purposes aforesaid, to make and issue to the lender or lenders, transferable certificates of stock in sums not less than one hundred dollars each, and not exceeding in the aggregate the said sum of sixty thousand dollars; the said certificates to be made in such form, and the interest and principal to be made payable at such time or times, place or places, and with such pledges, hypothecations, mortgages or securities for the payment of the interest and redemption of the principal sums borrowed, as may be agreed upon with the lender or lenders, or as the common council of said city may devise, prescribe

and consider to be most beneficial for the interests of the said city.

Rules and regulations.

§ 5. It shall be lawful for the said mayor, recorder, aldermen and commonalty of said city in common council convened, to ordain and prescribe such rules and regulations as may be found to be necessary in relation to the introduction, distribution and use of the waters, and to use, lease or dispose of the same waters at their discretion; and to exact and receive such rents or compensation for the use of the said waters when introduced, as may be agreed upon by such individuals or corporations to whom it may be granted; also to employ and appoint, and to remove and discharge at their pleasure, all such laborers, engineers, overseers or agents as may be employed, required or appointed, as well in the construction of the works contemplated by this act, as in the management of the moneys and funds to be appropriated and applied to this object.

Water, how to be conducted.

§ 6. It shall be lawful for the said mayor, recorder, aldermen and commonalty, to lead or conduct the waters, for supplying the said city, from any of the fountains, springs or streams aforesaid, to or from any reservoir or reservoirs, through any street, alley or public highway of said city; and to lay their conduits below the surface of any such street, alley or public highway, putting such street, alley or public highway in as good condition as they were before such conduits were laid therein; and further, that if any person shall wilfully injure, damage or destroy any of said conduits, reservoirs, hydrants or other devices appertaining to the said water-works, or shall waste the water supplied or furnished to him or them, shall be deemed guilty of a public misdemeanor; and upon conviction thereof by indictment or otherwise, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such conviction shall be had, and shall moreover be liable to pay treble the damages sustained, to be recovered with costs, in any action to be prosecuted therefor, by and in the name of the mayor, recorder, aldermen and commonalty of said city, in any court having jurisdiction thereof, in which action it shall not be an objection to any person as a witness or juror, that such person is a freeholder or taxable inhabitant of said city.

Accounts.

§ 7. It shall be the duty of the said mayor, recorder, aldermen and commonalty of said city, to cause distinct accounts to be opened and kept of the said water-works fund, separate and apart from all other accounts and concerns of said city, showing the moneys which may be given, appropriated or borrowed; also of the disbursements for the construction of the said water-works, and for their maintenance, repairs, superintendence and management; to cause all donations, appropri-

tions and moneys borrowed as aforesaid, to be faithfully and exclusively applied to the construction and maintenance of the said works; and to cause the nett income arising from the same, to be applied exclusively to the payment of the interest, and liquidation and redemption of the principal sums which may be borrowed in pursuance of this act, and to no other purpose whatsoever; but nothing in this act contained, shall be construed to prevent the investment of moneys belonging to the said fund, not required for the payment of interest, in such manner as to prevent a loss of interest; and it shall be lawful for any incorporated company, or for the comptroller of this state, for account of the canal fund, to make the loans authorised by this act, if they shall consider it to be safe and prudent to do so.

## CHAP. 52.

### AN ACT to incorporate the Dansville and Rochester Rail-Road Company.

Passed March 22, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Abraham M. Schermerhorn, Elisha Johnson and Samuel W. Smith, and all such other persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be and for the term of fifty years from the passage of this act, shall continue to be a body corporate and politic, by the name of "The Dansville and Rochester rail-road company." Corporation created.

§ 2. The said corporation shall have the right to construct, and during its existence, to maintain and continue a rail-road with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point within the village of Rochester, in the county of Monroe, and extending southwardly through the valley of the Genesee river and Canaseraga creek, to the village of Dansville, in the county of Livingston. Route of road.

§ 3. The capital stock of the corporation shall be three hundred thousand dollars, and it shall be deemed personal property, and shall be divided into shares of one hundred dollars. Stock.

§ 4. Elisha Johnson, Abraham M. Schermerhorn, William H. Spencer, William Lyman, Charles H. Carroll, Daniel H. Fitzhugh and James Faulkner, shall be commissioners for receiving subscriptions to the capital stock of the corporation, Subscription to stock.

and for apportioning the same among the subscribers, agreeably to the provisions of this act.

**Notice.**

§ 5. It shall be the duty of the commissioners, within six months after the passage of this act, to give notice once in each week, for three successive weeks, in a newspaper printed and published in each of the counties of Monroe and Livingston, of the time when the books will be opened, at some convenient place in each of the villages of Rochester and Geneseo, for receiving subscriptions to the capital stock of the said corporation.

**Books to be kept open three days.**

§ 6. One or more of the said commissioners shall attend at the time and at the places appointed by the said notice for the opening of the said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto, in conformity with the provisions of this act.

**First payment.**

§ 7. Each subscriber, at the time he subscribes, shall pay to the commissioners five dollars on each share of the stock subscribed by him.

**Apportionment.**

§ 8. If, at the expiration of the time mentioned in the sixth section of this act, it shall appear that more than the requisite number of shares has been subscribed, it shall be the duty of the commissioners forthwith to apportion the shares among the subscribers, in such manner as they shall deem most for the interest of said company, and to issue certificates to each subscriber stating the number of shares which have been apportioned to him.

**Further subscriptions.**

§ 9. In case the capital stock shall not be fully taken up during the time specified in the preceding sixth section, it shall be the duty of the commissioners, from time to time, to take such further measures as they may deem necessary, in order to fill up the subscription for the stock.

**Directors.**

§ 10. The concerns of the corporation shall be managed by a board of thirteen directors, to be chosen annually by and from among the stockholders.

**Meeting of stockholders.**

§ 11. As soon as may be after the stock has been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published once in each week for three successive weeks prior to the time therein appointed for such election, in a newspaper printed and published in each of the counties of Monroe and Livingston.

**Election of directors.**

§ 12. At the time and place appointed for that purpose, the commissioners shall attend, and the stockholders present, or their proxies duly appointed in writing, shall proceed to elect the directors by ballot; the commissioners present shall preside at the election, and shall certify the result under their hands;

## FIFTY-FIFTH SESSION.

which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named; all future elections shall be conducted in the manner prescribed in the by-laws of the corporation.

§ 13. Each stockholder shall be allowed as many votes <sup>as</sup> ~~as~~ <sup>Votes.</sup> he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice: but no stockholder shall be allowed to vote at any election after the first, for any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

§ 14. The directors shall hold their offices for one year following their election, and until others are elected in their places; they shall appoint one of their number as president, and some suitable person as secretary of the corporation; they may also appoint such other officers as the interest of the corporation may require, who shall hold their offices at the pleasure of the directors, <sup>President and secretary.</sup>

§ 15. In addition to the general powers given by the Revised Statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said rail-road shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon: it shall have power also by its officers, agents and servants to enter upon any of the lands lying within the contemplated range of the said rail-road, for the purpose of examining, surveying and establishing its lines. <sup>Special powers.</sup>

§ 16. In case the corporation shall not be able to acquire <sup>Lands.</sup> the title to the lands through which the said rail-road shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections.

§ 17. The directors may present a petition to the vice-chancellor of the eighth circuit, setting forth by some proper description the lands which are wanted for the construction of the said rail-road, or the appendages thereto, and the names of the owners thereof, if known; distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain by reason of the appropriation thereof by the said corporation to its own use. <sup>Petition to vice-chancellor.</sup>

Hearing of parties.

§ 18. On the presentment of such petition, the said vice-chancellor shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing: and in case it shall appear that any of the owners of the said lands is a feme covert, an infant or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf.

Three appraisers.

§ 19. At the time appointed for such hearing, the said vice-chancellor shall appoint three disinterested freeholders, residents of the county of Monroe, or of the county of Livingston, for the purpose of assessing such damages; and in the order for their appointment shall direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

To be sworn.

§ 20. The said appraisers, after being sworn before some officer authorised to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such rail-road or its appendages.

To report.

§ 21. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with all necessary certainty; the names of the owners of the respective parcels, if known, and if not known, stating that fact; and specifying also the damages which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid: and in case either of the parties are dissatisfied with the assessment, the said vice-chancellor may, on the hearing of the parties in interest, modify the assessment as shall appear to be just.

Damages.

§ 22. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in such bank as the said vice-chancellor shall direct, the said corporation shall immediately become entitled to the use of the said lands for the purposes aforesaid; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effect as deeds are recorded, without any other proof than the certificate of the said vice-chancellor, that the report is genuine.

§ 23. The corporation shall be bound to repair all public highways, bridges and water courses, which may be injured in constructing the said rail-road or its appendages, and shall restore them, as far as practicable, to as good a condition as they were in before they became injured. Repairs of roads.

§ 24. The said corporation may establish such by-laws not inconsistent with the laws of the state, respecting the calling in of the capital stock, and prescribing the duties of its officers and servants, and for the regulation of its affairs, as may be deemed expedient. By-laws.

§ 25. The said corporation shall be allowed three years from the passage of this act, for the commencement of the construction of the said rail-road; and in case the same shall not be completed within five years thereafter, the privileges herein granted shall be forfeited. Time allowed.

§ 26. Every person who shall wilfully injure the said rail-road or any of its appendages, shall forfeit to the use of the said corporation, a sum equal to three times the amount of damages occasioned by such injury, to be recovered with costs of suit, in the name of such corporation, in an action of debt, before any court having cognizance thereof. Penalty.

§ 27. The directors of the said corporation shall, at the end of every year after the construction of the said rail-road shall have been commenced, and for the term of fifteen years after the same shall have been completed, cause to be filed in the office of the secretary of state, a detailed account of all the moneys expended during the year in constructing the said rail-road and its appendages, and in superintending and keeping the same in repair; and a similar account of the income derived by tolls or otherwise, from the use of the said rail-road; to the end that a just estimate may be made of the profits received by the said corporation therefrom: such accounts shall be verified by the oaths of at least two of the directors or other officers of the said corporation. Account to be filed.

§ 28. If the legislature of this state shall, at the expiration of ten, and within fifteen years from the completion of said road, make provision by law for the re-payment to the said corporation of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on said sums from the time of their expenditure, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road; then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. Rights reserved.

Restrictions.

§ 29. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Power to repeal.

§ 30. The legislature may at any time alter, modify or repeal this act.

## CHAP. 53.

### AN ACT to incorporate the Oneida Lake Canal Company.

Passed March 22, 1833.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. All such persons as shall associate together and become subscribers to, or holders of the stock to be created by this act, for the purpose of opening a navigation from the Erie canal to the Oneida lake, at such point and upon such route as the canal commissioners shall designate, shall be, and they are hereby constituted a body politic and corporate, by the name and style of "The Oneida lake canal Company."

Expense.

§ 2. All expenses incurred by the canal commissioners in employing an engineer to survey and examine the route of the proposed canal, and all other expenses appertaining to such examination, shall be paid by the corporation.

Stock.

§ 3. The capital stock of said company shall be forty thousand dollars, to be divided into shares of twenty-five dollars each, which shall be considered personal property, and transferable according to the by-laws of the corporation.

Directors.

§ 4. The business and concerns of said company shall be managed by nine directors, who shall always be stockholders of said company, and all vacancies in the direction shall be filled for the remainder of the year by the residue of the directors.

Subscriptions to stock.

§ 5. Montgomery Hunt, John E. Hinman, Samuel S. Breese, William Fisk, Ichabod S. Spencer, Henry Monroe, and Nathan J. Stiles, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, in the city of Utica, on the first Monday of June next, and may continue them open until the whole of the capital is subscribed. Notice of the time and place of opening such books, shall be published in a newspaper printed in each of the counties of Oneida, Madison and Oswego, at least two weeks previous thereto ; and the said commissioner



shall receive two dollars per day each, for the time spent in such service, to be paid by said company.

§ 6. As soon as the stock shall be subscribed, it shall be the duty of the said commissioners, and they are hereby required to notify the stockholders either personally, or by a public notice in a newspaper printed in each of the counties of Oneida, Madison and Oswego, at least one month previous to the meeting, that at a certain time and place, a meeting of said stockholders will be holden for the purpose of choosing nine directors to manage the concerns of said company, who, when chosen, shall elect a president out of their own number, and hold their offices until the first Monday of May, one thousand eight hundred and thirty-three, and until others are elected. <sup>Meeting of stockholders.</sup>

§ 7. On the first Monday of May, in the year one thousand eight hundred and thirty-three, and every succeeding year, an election of directors of said company shall be held at such place as shall be appointed by the directors in office, who shall give public notice of such election, in a public newspaper printed in each of the counties of Oneida, Madison and Oswego, at least two weeks previous to such election; and the directors in office, or a majority of them, shall be inspectors of such election. <sup>Election.</sup>

§ 8. Such election shall be by ballot: every stockholder shall have one vote for each share of stock in said company, held by him, and may vote in person or by proxy, and a majority of all the votes given shall be necessary to a choice. <sup>Votes.</sup>

§ 9. The directors immediately thereafter, shall meet and elect a president out of their own number, who shall be the president until another election. Not less than four directors including the president, shall form a quorum for transacting business, but in the absence of the president, a president pro tempore may be appointed. <sup>President.</sup>

§ 10. The directors of said company may direct that the shares subscribed, or any part thereof, may be paid in labor on said canal, or in materials, and may declare any subscription invalid by reason of the subscriber not complying with the conditions or terms prescribed. <sup>Payment by labor.</sup>

§ 11. The directors of said company shall have power to declare the stock of persons neglecting at any time to pay any instalment upon such stock, according to the terms of their subscription or the regulations made by the directors, together with all previous payments thereon, forfeited to the use of said company, or the said company may sue and recover from such stockholders and subscribers, the amount due on their shares, in an action of assumpsit in any court having cognizance thereof. <sup>Regulations as to payments</sup>

Canal, how  
to be con-  
structed.

§ 12. The corporation hereby created, is authorized and empowered,

1. To make, construct and maintain for fifty years, a canal or navigable communication of suitable width and dimensions to pass boats navigating the Erie canal, from the Erie canal to such point on the Oneida lake as the canal commissioners shall designate :
2. To enter upon and take possession of such lands and streams as may be necessary for the construction of said canal, locks and other works requisite to make and keep open a navigable canal :
3. To enter upon any lands through which said canal shall be laid, for the purpose of digging and constructing said canal or to lead any stream or streams into the same as feeders, and building and constructing any lock or locks, or other works that may be necessary to make the same navigable :
4. To construct a feeder from the Oneida creek to the Erie canal, and to enter upon and take possession of such land as may be necessary for the construction of said feeder, and under the control and direction of the canal commissioners, to use the waters of the Erie canal to feed the canal hereby authorised to be made, equal in quantity to that supplied by said feeder, but so as not to interfere with the navigation of the Erie canal, or the rights of individuals, and during the continuance of this act, to keep in good order a sufficient tow-path bridge, where said canal intersects the Erie canal, and to construct a sufficient guard lock on said feeder, so that the quantity of water to be let into the Erie canal thereby, shall at all times be under the control and direction of said canal commissioners.
5. To regulate the time and manner in which all boats, craft and property shall pass on said canal :
6. To establish the amount of tolls or transit duties upon such boats, craft and property, and the manner of collecting the same on the boat, vessel or craft, carrying the property or effects, or on the property or effects themselves, or on both, as the case may be ; but such tolls shall in no case exceed three times the amount of tolls now charged on like boats or property on the Erie canal :
7. To lease, alien and convey any lands and real estate belonging to the said company, which they may deem unnecessary to retain for the purposes of said corporation, whether the same be vested in them by purchase or by voluntary donations :
8. The lock at the connection with the Erie canal shall be constructed under the direction of the canal commissioners, and of such materials as they shall prescribe, and shall always be under the superintendence of the said commissioners.
9. And if the said feeder shall be so constructed by the said company as to be navigable, then to receive thereon the same

tolls which are hereby allowed for navigation on the said Oneida lake canal, and to regulate the time and manner in which all boats, craft and property shall pass on said feeder.

§ 13. If any person shall wilfully and knowingly do any <sup>Penalty.</sup> thing whereby the navigation shall be impeded, or any dam, lock or gate, canal tow-path, bank, engine or machine, property or device whatsoever thereunto belonging, shall be injured or damaged, the person or persons so offending, shall forfeit and pay to the said corporation, four times the amount of the damages by them sustained, together with costs, to be recovered by action of debt before a justice of the peace, or in any court of competent jurisdiction.

§ 14. The said directors shall have power to contract with <sup>Damages.</sup> the owner or owners of lands through which the said canal and feeder shall be laid out and constructed, and to pay such owner or owners the damages they may sustain in consequence thereof.

§ 15. The corporation is hereby empowered to purchase, <sup>Real estate.</sup> receive and hold such real estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted, and may, by their agents, surveyors and engineers, enter upon such route, place or places, to be designated as aforesaid, as the line or course, whereon to construct the said canal; and it shall be lawful for the said corporation to enter upon and take possession of and use, all such lands and real estate as may be indispensable for the construction and maintenance of said canal, and the accommodations requisite and appertaining unto them; and may also receive, hold and take all such voluntary grants and donations of land and real estate as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of said canal; but all lands or real estate thus entered and taken possession of, and used by said corporation, and which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, and at a price to be mutually agreed upon between them; and in case of a disagreement, and before the making of any portion of the canal upon said land, the directors of the said corporation may present their petition to the chancellor, setting forth the necessity of such lands for making said canal, and of the attempt and failure to procure the same, with the name and residence of the owner, and the reason why the purchase cannot be made. And the chancellor shall direct such notice to the owner or owners of such lands as he shall deem proper and reasonable, of the time and place of hearing the parties, and upon proof of due service of such notice, and upon hearing the parties, the chancellor shall appoint three competent and disinterested freeholders of the county in which

the lands are situated, to be commissioners to appraise said lands. The said commissioners shall appraise said lands, and shall award the owner or owners thereof, what they shall deem to be the full value of the same; and shall be authorized to examine the lands, to administer oaths, and hear testimony; and shall make their appraisalment in writing, without delay, under their hands, with a minute and accurate description of the lands appraised, with a map thereof, and shall report the same with the testimony taken, to the court of chancery. The chancellor shall examine the report and shall hear parties, if desired, and may increase or diminish the amount awarded, if he shall be satisfied injustice has been done. Upon proof to the chancellor, within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner, in such bank as the said chancellor shall direct, of the amount of such appraisalment, and the payment of all expenses attending it, the said chancellor shall make a decree or order particularly describing the lands, and reciting the appraisalment and the mode of making it, and all other facts necessary to a compliance with this section of this act. And when the said decree or order shall be recorded in the office of the clerk of the county in which the land is situated, whose duty it shall be to record the same, the said corporation shall be possessed of all such lands for the purpose of the said canal, and may enter upon and take possession and use the same.

Married women, infants, &c.

§ 16. In case any married woman, infant, idiot, insane person, or non-resident, who shall not appear after such notice, shall be interested in any such land, the said chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Swamp in Madison county.

§ 17. In case the canal commissioners shall locate the route of said canal so that the same shall pass through the swamp or marsh in Madison county, now being drained, or through any part thereof, the said canal shall be dug where the same passes through said swamp, so deep that the surface of the water in the same shall be at least two feet and eight inches below the surface of the swamp, and so constructed as in no way to prevent or hinder the full and entire operation of the drain which has been dug for the purpose of draining the swamp: and if the canal shall at any point unite with the drain, it shall be so constructed as to permit the water in the drain to be discharged into the lake as freely and rapidly as if the canal had not been constructed, and in such manner as in way to impede the water in the swamps from being discharged into the lake.

Election.

§ 18. The said corporation shall not cease by reason of not holding any annual election on the day herein appointed there-

for ; and the president and directors may provide for an election on any other day, (in case of failure to hold the same herein provided,) giving the public notice thereof, as is required of an annual election.

§ 19. The said corporation shall possess the general powers of a corporation, as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions of said chapter ; and the legislature may at any time repeal, modify, alter or amend this act. General powers.

§ 20. If the construction of the said canal and feeder shall not be commenced within three years, and completed within six years from the passing of this act, the same shall be null and void, and the provisions of this act cease. Forfeiture.

§ 21. At any time within ten years after the passage of this act, the state may take possession of the said canal and feeder and their appurtenances, upon paying to the company hereby created, the whole amount of moneys they shall have expended on the same, together with interest at and after the rate of ten per cent per annum, after deducting therefrom the amount of tolls which shall have been received on said canal and feeder. Rights of the state.

## CHAP. 54.

AN ACT to authorise the erection of a New Jail in the County of Chautauque.

Passed March 22, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The board of supervisors of the county of Chautauque shall cause to be assessed and collected in the same manner as ordinary charges are by law directed to be assessed and collected, the sum of three thousand five hundred dollars, in three equal annual instalments, beginning with the present year. Money to be raised by tax.

§ 2. The supervisors, at their next annual meeting, shall appoint three discreet persons, being inhabitants of the county of Chautauque, commissioners to contract for and superintend the building of the said jail. In case either of the commissioners shall die, resign, or refuse to serve, the supervisors shall supply the vacancy. Commissioners.

§ 3. The jail shall be built upon one of the public squares in the village of Mayville, or such other lot of ground in that village, to be given and conveyed to the county in fee simple, Location.

as the commissioners shall determine to be the most suitable site.

Treasurer's  
duty.

§ 4. The commissioners may draw upon the treasurer of the county from time to time, for such moneys as may be required and the treasurer shall pay over to them, or a majority of them, any moneys in his hands, collected in pursuance of this act.

Commission  
ers to certify.

§ 5. If, before the moneys specified in the first section of this act, shall be collected, the commissioners shall certify to the treasurer of the county that the whole sum of three thousand five hundred dollars, or any certain portion thereof, will be required for the fulfilment of any contract made by them, in the performance of their trust, it shall be the duty of the treasurer to borrow on the credit of the county, the amount specified in such certificate, and to reimburse the same with interest out of the moneys so to be collected, as soon as the same shall come into his hands.

To give bond

§ 6. The commissioners, before they enter upon the duties enjoined upon them by this act, shall each execute a bond, with sureties to be approved of by the treasurer of the county, in the penal sum of six thousand dollars, to the supervisors of the county of Chautauque for the faithful performance of the trust reposed in them. The commissioners shall receive for their services one dollar and fifty cents each per day, for the time they may be actually employed in the duties of their commission. Their accounts shall be audited by the supervisors, and paid as other contingent charges of the county.

To account;

§ 7. The commissioners shall, at all times when required by the supervisors, account with them for the expenditure of all moneys received by them, or either of them, by virtue of this act.

## CHAP. 55.

AN ACT to amend the Act entitled "An act to Consolidate and amend the Charter of the Village of Watertown."

Passed March 22, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Trustees may  
borrow money.

§ 1. The trustees of the village of Watertown may, and they are hereby authorised to borrow, on the credit of the said village, such sum of money as a majority of the inhabitants of said village, entitled to vote on the subject of taxation at an annual village meeting, or at any special village meeting called for that purpose, shall direct, not exceeding two thousand dollars,

and at the legal rate of interest, and for such time for the repayment of the same as the said trustees may think proper, not exceeding, however, the term of five years; and may execute under their hands and the corporate seal of said village, to the person or persons of whom they may borrow said money, or any part thereof, a certificate or certificates, specifying the amount loaned and the terms of said loan; but no such certificate shall be given for a less sum than one hundred dollars.

§ 2. The credit of said village is pledged for the payment of said loan, and the trustees aforesaid shall annually after effecting said loan or loans, cause to be levied, assessed and collected, in the manner they are authorised by the act hereby amended, to levy, assess and collect the ordinary taxes of said village, a sum of money equal to one-fifth part of the principal sum or sums they shall so borrow as aforesaid, together with a sum equal to the annual interest due on said loan or loans, in addition to the annual tax they are now by law authorised to assess, levy and collect; and when the said moneys shall be so annually collected by the said trustees, they shall pay the interest due on said loan or loans, and the residue they shall apply to the extinguishment of so much of the principal of said loan or loans.

Credit of village pledged to pay loan.

§ 3. The collector of said village shall have the same power, receive the same fees and be subject to the same liabilities in relation to the taxes hereby authorised, as he has in relation to taxes authorised by the act hereby amended.

§ 4. The trustees of the said village are authorised, and it is hereby made their duty, to cause to be expended under their direction, the money that may be borrowed by virtue of this act, in and towards the improvement of the fire department of said village, and in supplying the said village with water, to aid and facilitate in the extinguishment of fires in said village, in such manner as they may consider most conducive to the interest and welfare of said village.

Money, how to be expended.

§ 5. The inhabitants of said village may, at their annual meetings, in addition to the officers authorised by the act hereby amended, elect five fire wardens, with such powers, and for the performance of such duties, as the trustees, by their by-laws, may designate.

§ 6. The annual meeting authorised by the third section of the act hereby amended, shall hereafter be on the first Monday of April in each year, instead of the first Tuesday of June, as specified in said third section.

§ 7. This act shall take effect immediately after its passage.

Act to take effect.

## CHAP. 56.

AN ACT to divide the Ninth Ward in the City of New-York, into two Wards.

Passed March 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Fifteenth ward.

§ 1. All that part of the present ninth ward of the city of New-York which lies easterly of a line running southerly from the centre of Fourteenth-street, through the centre of the Sixth Avenue to the centre of Carmine-street; thence southwesterly through the centre of Carmine-street to the centre of Bleecker-street; thence southeasterly through the centre of Bleecker-street to the centre of Hancock-street; thence southerly through the centre of Hancock-street to the centre of Houston-street, is hereby constituted and declared to be an additional and separate ward in the said city, and shall be called the fifteenth ward of the city of New-York.

Ninth ward.

§ 2. All the residue of the present ninth ward, being that part thereof lying westerly of the line above mentioned, shall be a distinct and separate ward, and shall be called the ninth ward of the city of New-York.

§ 3. This act shall take effect from and after the passage thereof.

## CHAP. 57.

AN ACT to incorporate the Oneida Insurance Company.

Passed March 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation created.

§ 1. Thomas Williams, Zenas Wright, Samuel Lightbody, Truman Enos, Thomas H. Hubbard, Samuel Stocking, John Williams, Apollos Cooper, Nicholas Devereux, Chester Hayden, Hiram Denio, John E. Hinman, Augustine G. Dauby, Ebenezer B. Shearman, Shepard Knapp and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body corporate and politic, by the name of the Oneida Insurance Company.

Stock.

§ 2. The capital stock of said corporation shall be two hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each; and it shall not be law fulfor the



said corporation to commence any business whatever, until the whole amount of capital stock shall have been subscribed and actually paid for, or satisfactorily secured to be paid as provided by the twentieth section of this act.

§ 3. In addition to the general powers and privileges of a corporation, as the same are declared in the third title of the eighteenth chapter of the first part of the Revised Statutes, the corporation hereby created shall have power to insure property of every description against loss or damage by fire; to make all kinds of insurance upon personal property against loss or damage in the course of inland transportation by land or water, and generally to do and perform all matters and things relating to such objects. Powers of corporation.

§ 4. The book of subscription to the capital stock of this company shall be opened under the inspection of Ezra S. Cozier, Apollos Cooper, David Wager, Chester Hayden, Samuel Lightbody, Thomas Williams, John Williams, Nicholas Devereux, Joseph Kirkland, John E. Hinman, Thomas H. Hubbard, Ephraim Hart and William Clarke, who are hereby appointed commissioners for that purpose. Subscriptions to stock.

§ 5. The commissioners shall open the book of subscription in the city of Utica, at such time and place as they shall appoint, notice of which shall be given in one or more of the newspapers printed in that city, at least ten days previous to opening such subscription. Book, when to be opened.

§ 6. The book for subscriptions shall be kept open at least two days, and the sum of one dollar on each share subscribed for shall be paid to the said commissioners at the time of making such subscription. To be kept open 2 days.

§ 7. If the sum of two hundred and fifty thousand dollars of the capital stock be not taken up during the said two days, the commissioners may receive further subscriptions at such other times, and at such place in the city of Utica, as they shall appoint.

§ 8. The commissioners shall distribute the capital stock of said corporation among the subscribers thereto; and in case there shall be subscriptions to more than the amount of two hundred and fifty thousand dollars, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interests of the institution; but there shall not be allowed to any one of the subscribers or commissioners, directly or indirectly, or to any one in trust for him, more than one hundred shares of said stock, if without such allowance, the whole stock be taken up. Distribution of stock.

§ 9. All the corporate powers of said company shall be exercised by a board of directors, and such officers and agents as Directors.

they shall appoint. The board of directors shall consist of thirty persons, all of whom must be citizens of this state, and stockholders; and if any director shall remove out of the state or cease to be a stockholder, his office as director shall thereupon become vacant.

**By-laws.** § 10. The board of directors shall have power to declare, by by-law, what number of directors less than a majority of the whole shall constitute a quorum for the transaction of business; but no officer of the company shall be appointed or removed unless a majority of the whole number of directors shall be present at the meeting.

**First election** § 11. The first election for directors under this act, shall be held at such time and place, in the city of Utica, as shall be directed by the commissioners herein before appointed. The commissioners shall select three of their number to be inspectors of such first election. The directors then to be elected, shall hold their offices until the third Monday in February, one thousand eight hundred and thirty-three, and until others are elected in their stead.

**Subsequent elections.** § 12. The directors for every subsequent year shall be elected on the third Monday of February in every year, at such time of the day, and at such place in the city of Utica, as the directors shall by resolution appoint, and shall hold their offices for one year, and until others are elected in their stead.

**Public notice.** § 13. Public notice of every election under this act shall be given by the commissioners or directors, not less than ten days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the city of Utica.

**Votes** § 14. Each stockholder, at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least ten days previous to the time of voting; at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law.

**Ballot.** § 15. All elections for directors shall be by ballot, and the thirty persons who shall have the greatest number of votes, shall be elected; and if at any election the whole number of directors shall not be chosen in consequence of two or more persons having an equal number of votes, then the directors who shall have been duly elected, shall proceed by ballot and by plurality of votes, to determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number.

**Vacancies** § 16. Whenever a vacancy shall happen in the office of director, such vacancy may be filled for the remainder of the year in which it shall happen, by the board of directors.

§ 17. As soon as may be after the election of directors, they shall elect one of their number by ballot to be president, who shall hold the office until the third Monday of February then next following, and until another shall be elected in his stead.

§ 18. All policies of insurance shall be subscribed by the president, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in like manner and with the like force as if under the seal of the corporation. Policies of insurance.

§ 19. The capital stock of the said corporation shall be transferable, and shall be deemed to be personal property. No transfer of the stock shall be valid or effectual in law, until such transfer shall be entered or registered in a book to be kept for that purpose by the directors. Stock transferable.

§ 20. It shall not be lawful for the said corporation to commence any business whatever, until the capital stock of two hundred and fifty thousand dollars shall have been subscribed and actually paid for, or secured to be paid by mortgages upon real estate of at least thirty per cent above the value for which the same shall be mortgaged, exclusive of buildings, unless the same shall be insured, or in the public stocks created by the authority of the United States, or of any individual state, or in the stock of any incorporated bank of this state, which at the time shall be at or above par value in the market, or in the stock of any incorporated city in this state; and all funds and money at any time under the control of said corporation, shall be loaned on the securities above specified, and no other; the said corporation may sell and transfer any of the said stocks and again invest the proceeds, as the interest of the company and a due regard to the safety of its funds may from time to time require. When to commence business.

§ 21. The directors may require the stockholders respectively to make payment of all sums of money by them subscribed, at such times, and in such proportions, as such directors shall see fit, under pain of the forfeiture of their shares upon which such payments are required, and all previous payments thereon, to the said corporation. Calls on stockholders.

§ 22. The directors shall give notice of every such call, by notice to be published, at least once a week, for four weeks successively, in one or more of the newspapers printed in the city of Utica; which notice so published, shall be a sufficient call on each stockholder to authorize, in case of his default to comply therewith, the forfeiture above provided. Notice of such calls.

§ 23. The corporation hereby created shall continue until the first day of June, one thousand eight hundred and fifty-five, and no longer. Duration of charter.

Office at  
Utica.

§ 24. The office for the transaction of the business of the corporation shall be in the city of Utica, and at no other place.

Real estate.

§ 25. It shall be lawful for the said corporation to purchase and hold such real estate as shall be necessary for the transaction of their business, and also to take and hold any real estate, or such securities as have been specified in the twentieth section of this act, bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt which may be contracted with the said corporation, and also to proceed in the said mortgages and other securities, for the recovery of moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorised to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceeding, or otherwise to receive and take any real estate in payment or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money

Certificate to  
be made and  
filed.

§ 26. It shall not be lawful to commence any business under this act until the president and secretary of the said corporation shall have made a deposition in writing before the mayor or clerk of the city of Utica, and deposited the same in the clerk's office of the county of Oneida, that the capital stock of two hundred and fifty thousand dollars has been paid in, or secured to be paid, as provided by the twentieth section of this act; and any wilful false swearing in any such oath, shall subject the person guilty thereof to the pains and penalties of perjury.

Corporation  
subject to  
chap 18,  
R. 5.

§ 27. The corporation hereby created shall be subject to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same have been or may be repealed, and except so far as they are modified by the provisions of this act.

Rights re-  
served.

§ 28. The legislature may at any time repeal, modify or alter this act.

## CHAP. 58.

*AN ACT providing for the appointment of an additional Special Justice for preserving the Peace in the City of New-York, and for other purposes.*

Passed March 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the common council of the city of New-York to appoint an additional police or special justice <sup>Additional justice.</sup> for preserving the peace in the said city : so that there shall be in all, four of the said special justices in the said city : and such additional special justice shall have the like powers, and perform the same duties as are now by law conferred upon or required from the special justices of the city of New-York, and shall receive the like compensation.

§ 2. It shall be lawful for the said common council to establish an office as a branch of the police office of the said city, <sup>Office to be north of Grand-street.</sup> in any part thereof north of Grand-street, and the same when established shall, for all legal purposes, be deemed a police office of the said city.

§ 3. The number of marshals in the city of New-York may <sup>Marshals.</sup> be increased, provided the whole number thereof shall not at any one time exceed one hundred.

## CHAP. 59.

*AN ACT for [the relief of the Heirs of John Thompson.*

Passed March 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If the persons claiming to be the heirs at law of John Thompson, who was a private in captain Hallet's company, in the second regiment in the New-York line, in the revolutionary army, shall, within one year next after the passage of this act, establish by proof, to the satisfaction of the commissioners of the land-office, their identity as such heirs, and that there are no others living, or that all other heirs of the said John Thompson, besides those who shall be applicants, are to be presumed dead by the rules of law, the said commissioners shall authorise the comptroller to draw his warrant on the treasurer for the sum of eight hundred dollars, in full satisfaction of the

claim of the heirs of the said John Thompson, for bounty lands for services in the revolutionary war, which warrant shall be in favor of the heirs whose identity shall have been so established, and shall be paid by the treasurer in the manner provided by law.

## CHAP. 60.

### AN ACT to incorporate the Cherry-Valley Cotton and Woolen Factory.

Passed March 27, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. James O. Morse, William Campbell, Adolphus W. Flint, Leander Sanders, Benjamin Davis, Alfred Crafts, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name of "The Cherry-Valley Cotton and Woolen Factory," for the purpose of manufacturing cotton and woollen goods and machinery, or either of them separately, in the town of Cherry-Valley, Otsego county.

Stock.

§ 2. The capital stock shall be fifty thousand dollars, which shall be divided into two thousand shares of twenty-five dollars each.

Subscriptions

§ 3. Subscriptions to the capital stock of said corporation shall be opened under the direction of the trustees hereafter named ; and it shall be the duty of the trustees for the time being, to call for and demand of the stockholders respectively, all sums of money by them subscribed, at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation ; always giving thirty days' notice by their clerk or agent, in writing, to each stockholder of such call or demand.

Trustees.

§ 4. The stock, property and concerns of the said corporation shall be managed by five trustees, to be chosen annually on the second Monday of May in each year, at such place as the trustees for the time being shall direct ; and the first election shall be on the first Monday of July next, and James O. Morse, William Campbell, Adolphus W. Flint, Benjamin Davis and Alfred Crafts shall be the trustees from the time this act shall take effect, and until others are elected in their stead. Four weeks' previous notice of any election after the first shall be given of the time and place of holding such election, by publishing said notice once in each week for four weeks im-

mediately preceding such election, in some paper printed in the county where such company shall carry on their business ; and such election shall be holden under the inspection of the trustees for the time being, and shall be by ballot, by plurality of the votes of the stockholders present in person, or by proxy, at such election, allowing one vote for every share.

§ 5. The stock of said corporation shall be personal property, and transferable on the books of the corporation ; but no stockholder indebted to the corporation shall be permitted to take, or transfer, or receive a dividend, until such debt be paid to the satisfaction of the trustees. Stock personal property.

§ 6. The corporation hereby created shall continue twenty years and no longer. Duration.

§ 7. The said corporation shall possess the general powers, and be subject to the prohibitions and restrictions contained in titles three and four of chapter eighteen of the first part of the Revised Statutes, except so far as the same are modified by this act. General powers.

§ 8. The legislature may at any time alter, modify or repeal this act. Rights reserved.

## CHAP. 61.

### AN ACT to incorporate the Dutchess Rail-Road Company.

Passed March 28, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. William Davies, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "the Dutchess Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point in the village of Poughkeepsie to the line of the state of Connecticut, within the county of Dutchess : to take, transport, carry and convey property and persons upon the same, by the power and force of steam, of animals or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act. Corporation created.

§ 2. If the corporation hereby created, shall not, within three years from the passage of this act, commence, and within five years thereafter, construct, finish, and put in operation, the said single or double rail-road or way, then the said corpo- Time limited.

ration shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be six hundred thousand dollars; and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

Subscriptions  
to stock.

§ 4. William Davies, Henry Conklin, Paraclete Potter, Homer Wheaton and Morgan Carpenter, shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the village of Poughkeepsie, or in the city of New-York, or in the city of Albany, or in each or all those places, as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription, for the space of three successive days: and within ten days thereafter the said commissioners shall meet in the village of Poughkeepsie; and if more than six hundred thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Poughkeepsie, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

Directors.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers published in the village of Poughkeepsie, for a meeting of the stockholders, at such time and place in said village, as the said commissioners shall appoint to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote: and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which sur-



veys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the village of Poughkeepsie as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said village. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen, shall elect as soon as may be, after the said first meeting and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

*Election, when and how to be held.*

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

*Election*

§ 8. The directors shall have full power to make all need- By laws. ful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation; and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction

*Real estate.*

and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the second circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties, at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Dutchess, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after their determination of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisal of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the second circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of infants, &c.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said

vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished. Passengers and goods

§ 12. If any person shall willfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt. Penalty

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same: but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner, not to have impaired its usefulness. Crossing streams or roads.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the village of Poughkeepsie. Calls on stockholders.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

§ 16. The directors of said company shall make an annual report in detail of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a de- Annual report.

tailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

Rights reserved

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest and become the property of the people of this state.

Power to repeal.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 62.

### AN ACT to incorporate the *Mayville and Portland Rail-Road Company*.

Passed March 29, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. William Peacock, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Mayville and Portland rail-road company," for the purpose of constructing a single or double rail-road or way, from some proper point at Portland harbor, in the county of Chautauque, to some suitable point on the Chautauque lake within the village of Mayville; to take, transport, carry and convey, property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited

§ 2. If the corporation hereby created, shall not, within three years from the passage of this act, commence, and within eight years construct and put in operation, the said single or doubly rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be one hundred and fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, and shall be deemed personal proper-

ty, transferable in such manner as the by-laws of the said corporation shall direct.

§ 4. William Peacock, Martin Prendergast, Thomas B. Campbell, James M'Clerg, Eliphalet L. Tinker, and Gilbert Knapp, shall be commissioners, whose duty it shall be, within two years after the passage of this act, at some suitable place in the village of Mayville, or in such other place or places as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days; and within ten days thereafter, the said commissioners shall meet in the village of Mayville; and if more than one hundred and fifty thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless one dollar on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers printed within the county of Chautauque, or in such other place in which the books shall be opened, of the time and place of opening the books, shall be given for fourteen days previous to the day appointed for that purpose. If the capital stock shall not have been subscribed within the said three days, the commissioners shall have power to continue the said books open until the whole capital stock shall have been subscribed. Subscriptions  
to stock.

§ 5. Within ten days after the said commissioners have met Directors. for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers printed in the said county, for a meeting of the said stockholders, at such time and place in the said village of Mayville, as the said commissioners shall appoint, to choose thirteen directors; and such election shall then and there be made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

When and  
how to be  
chosen.

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the village of Mayville, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in the said county. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen, shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, one of their own number, as president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president *pro tempore*.

Election.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held.

By laws.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, as they may may deem requisite, and to determine the amount of their compensation; and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

Real estate.

§ 9. The corporation is hereby empowered to purchase, receive and hold such land as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of and use, all such lands as may be indispensable for the construction and maintenance of their rail-road or way, and the accommodations requisite and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and ac-

commodation of the said rail-road or way : but all lands thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon ; and in case of a disagreement as to the price, and before the making of any portion of the road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the eighth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper, and sufficient, appointing therein the time and place of hearing the parties ; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such lands will sustain by the occupation thereof by the said corporation ; and the said vice-chancellor shall appoint three competent and disinterested commissioners who shall be freeholders and residents of the county of Chautauque, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services and expenses. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner, in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of damages and the payment of all expenses, the said vice-chancellor shall make an order or decree particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act ; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the eighth circuit, the said corporation shall be possessed of all such lands, and may enter upon, and take possession and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot, or insane Rights of Infants, &c. person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent person to appear before the said commissioners and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

§ 11. The said corporation shall have power to regulate the Passengers, goods, &c. time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of

collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

Penalty.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Crossing  
streams and  
roads.

§ 13. Whenever it shall be necessary for the construction of their rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their rail-road or ways across or upon the same; but the corporation shall restore the stream, or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Calls on  
stockholders.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Chautauque.

Subject to  
chapter 18,  
R. S.

§ 15. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Annual re-  
port.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all monies expended by said company for repairs or otherwise, for the purpose of said rail-road.

Rights re-  
served.

§ 17. If the legislature of this state shall, at the expiration of ten, and within fifteen years from the completion of said rail-road, make provision by law for the re-payment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by



them for permanent fixtures for the use of said road, with interest on such sums at the rate of fourteen per cent per annum, together with all moneys expended by the said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

§ 18. If within two years from the passage of this act, any rail-road company to be chartered at the present session of the legislature, for the construction of a rail-road from the city of New-York, or the Hudson river, to lake Erie, shall locate their said rail-road upon the route of the company's road by this act incorporated, or shall run it through the points of commencement and termination of the said last mentioned road, and give notice thereof in writing to the said company hereby incorporated, then this act shall wholly cease and be void, unless the said company hereby incorporated shall obtain the consent of such other rail-road company to go on and construct the said road hereby authorised; which consent, and the terms and conditions on which the same is obtained, shall be in writing, and filed with the clerk of the county of Chautauque, who is hereby required to file and preserve the same as a record of his office.

In case another company be created on this route.

§ 19. The legislature may at any time alter, amend, modify or repeal this act.

Rights reserved.

## CHAP. 63.

AN ACT for the relief of the heirs of James F. Gross, an Alien.

Passed March 29, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the estate and interest of the people of this state in and to any lands and real estate situate in the town of Constantia, in the county of Oswego, which has been acquired by escheat, in consequence of the alienage of James F. Gross, deceased, formerly of the kingdom of France, but lately of the town and county aforesaid, is hereby released and vested in the widow and children of the said James F. Gross, residing within this state, according to the provisions contained in the last will and testament of him, the said James F. Gross, and subject to all claims of creditors of the said James F. Gross, in the same manner as if he had been a native citizen.

## CHAP. 64.

**AN ACT** to amend the Act incorporating the President, Directors and Company of the Rensselaer and Columbia Turnpike Road.

Passed March 29, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall and may be lawful for the president, directors and company of the Rensselaer and Columbia turnpike road, to sell and deed to Alexander O. Spencer, of Greenbush, his heirs and assigns; so much of the western part of said turnpike road as lies north of a line drawn to the Hudson river, at right angles from the western line of the Farmers' turnpike company, from the point where the said western line of the Farmers' turnpike company intersects the northern line of the Rensselaer and Columbia turnpike road, in the village of Greenbush, upon receiving from said Alexander O. Spencer, his heirs or assigns, a good and sufficient deed or title to so much of the land as lies south of the present south line of the said Rensselaer and Columbia turnpike road and west of the western line of the Farmers' turnpike, as will make the said Rensselaer and Columbia turnpike road of an uniform width to the Hudson river.

§ 2. It shall be lawful for the directors of said turnpike company to alter the location of said road to such place near the present route thereof as presents a better surface for a road, or may otherwise facilitate the public travel, or shorten the distance, provided such alteration shall be made with the consent of the owners of the lands adjoining, both to the present location of the said road, and any location hereafter to be made, and without varying the general route of the same.

## CHAP. 65.

**AN ACT** to authorise the Board of Supervisors of the County of Wayne to levy a tax on the Town of Lyons, to build a Bridge in said Town.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Seven hundred dollars to be raised.

§ 1. The supervisors of the county of Wayne, at their next annual meeting, shall cause to be levied and collected on the

town of Lyons, in the county of Wayne, and State of New-York, in the same manner as other town charges are directed to be levied and collected, the sum of seven hundred dollars, the present year, to build a bridge over the Canandaigua outlet at the village of Alloway, in the south part of the town of Lyons; said bridge to be built on the same plan, and as well built as the bridge over the Clyde river, at the village of Lyons, and on the site where the old bridge now stands; and the collector of said town shall pay the said sum of money, when collected, to the commissioners hereinafter named, and take their receipt for the same.

§ 2. Henry Towar, Lawrence Riley, Lysander C. Grover <sup>Commissioners</sup> and Orson Roys, are hereby appointed commissioners to superintend the building of said bridge, with power to contract for the materials and workmanship of the same; and the said commissioners shall, before they enter upon their duties as aforesaid, execute a bond to the supervisor of said town, in the penal sum of fourteen hundred dollars, conditioned for the faithful discharge of their duties under this act: the commissioners shall receive one dollar and fifty cents for each day necessarily employed in superintending the said building, to be paid out of the monies above named.

§ 3. It shall be the duty of said commissioners, within two <sup>To account.</sup> years after the passage of this act, to account with the supervisor and town clerk of said town, for all monies expended or received by them as aforesaid, and the balance, if any, after completing said bridge and paying for the service of said commissioners, shall be paid to the commissioners of highways of said town to be applied in repairing the roads and bridges therein.

## CHAP. 66.

*AN ACT for the relief of the Heirs of Pierre Frederick Mairet, an Alien.*

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All the estate and interest of the people of this state in and to any lands and real estate, situate in the town of Mexico, and county of Oswego, which has been acquired by escheat, in consequence of the alienage of Pierre Frederick Mairet, deceased, formerly of the kingdom of France, but late of the town and county aforesaid, is hereby released and vested in Susannah Mairet and Katharine Margaret Gressard, sisters

of the said Pierre Frederick Mairet, the said Katharine Margaret being the wife of John David Gressard; and the said Katharine and Susannah are hereby authorised to hold and convey the same, subject to all claims of creditors of the said Pierre Frederick Mairet, in the same manner as if he had been a native citizen.

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## CHAP. 67.

*AN ACT for the relief of Jacob Conrad and Jonah Moore.*

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The supervisors of the county of Tompkins, at their annual meeting, shall allow, and cause to be paid to Jacob Conrad and Jonah Moore, such sum as to them shall appear just and proper, not exceeding two hundred and eighty dollars, for the costs and expenses of defending certain suits brought by Cyrus Clark against said Jacob Conrad and Jonah Moore, as commissioners of highways of the town of Lansing, in said county; and shall cause such sum to be raised, levied and collected, from the inhabitants of said town of Lansing, as part of the contingent expenses of said town.

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## CHAP. 68.

*AN ACT relative to the appointment of Inspectors of the Election, to be held on the second Tuesday of April, in the year one thousand eight hundred and thirty-two, for Charter Officers, in the fifteenth Ward of the City of New-York.*

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be lawful for the common council of the city of New-York, at any time previous to the election for charter officers, to be held in the said city on the second Tuesday of April, in the year one thousand eight hundred and thirty-two, and any election hereafter to be held, to appoint competent persons to act as inspectors of the said election in the fifteenth ward of the said city. And any such appointment, already made by the said common council, since the establishment of

the said fifteenth ward by law, and any act or acts done by the said inspectors shall be deemed valid and legal.

§ 2. This act shall take effect from and after the passage thereof.

## CHAP. 69.

AN ACT to incorporate the Great Au Sable Rail-Road Company.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Elkanah Watson, and such other persons as shall here-  
after become stockholders of the said company, are hereby  
constituted a body corporate and politic, by the name of "The  
Great Au Sable Rail-Road Company," for the purpose of con-  
structing a single or double rail-road or way, from some pro-  
per point at or near the forks of the Great Au Sable river, and  
along the valley of said river to lake Champlain at Port Kent,  
and also to construct branches thereof to the iron ore beds in the  
town of Peru, in the county of Clinton; to take, transport,  
carry and convey, property and persons upon the same by the  
power and force of steam, of animals, or any mechanical power,  
or of any combination of them, for the term of fifty years from  
the passage of this act.

Corporation  
created.

§ 2. If the corporation hereby created, shall not, within  
three years from the passage of this act, commence, and within  
five years thereafter, construct, finish, and put in operation,  
the said single or double rail-road or way, then the said cor-  
poration shall thenceforth forever cease, and this act shall be  
null and void.

Time limited.

§ 3. The capital stock of the said company shall be one  
hundred and fifty thousand dollars, and shall be divided into  
shares of one hundred dollars each, and shall be deemed per-  
sonal property, transferable in such manner as the by-laws of  
the said corporation shall direct.

Stock.

§ 4. Richard Keese, of Clinton county, Charles M. Wat-  
son, of Essex county, John Hone, Francis Saltus and George  
Curtis, of the city and county of New-York, shall be commis-  
sioners, whose duty it shall be, within one year after the pas-  
sage of this act, at some suitable place in the village of Keese-  
ville, or in the city of New-York, or in the city of Albany, or  
in each or all those places, as the said commissioners shall de-  
termine, to open books to receive subscriptions to the capital  
stock of said corporation, which books shall be kept open for

Subscriptions  
to stock

subscription for the space of three successive days ; and within ten days thereafter, the said commissioners shall meet in the village of Keeseville ; and if more than one hundred and fifty thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Keeseville, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

Directors.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers published in the village of Keeseville, for a meeting of the stockholders, at such time and place in said village, as the said commissioners shall appoint, to choose thirteen directors ; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote ; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors : the time and place of holding the first meeting of the directors shall be fixed by the said commissioners ; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid by the said corporation.

How and  
when elected.

§ 6. The first directors to be chosen, shall hold their officers till the first Monday in June in the next succeeding year after such election, and until others shall be chosen ; and every election of directors thereafter shall be annually on the first Monday in June in each and every year, at such time and place in the village of Keeseville, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said village. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be en-

titled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days' previous to such election: and the directors so chosen, shall elect as soon as may be, after the said first meeting and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should at any time happen that an election <sup>Election</sup> of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

§ 8. The directors shall have full power to make all need- <sup>By laws.</sup> ful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

§ 9. The corporation is hereby empowered to purchase, re- <sup>Real estate.</sup> ceive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands or estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the fourth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing.

the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Essex or Clinton, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services.

Order of vice-chancellor.

§ 10. Upon proof to the vice-chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisalment of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the fourth circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of infants, &c.

§ 11. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Travel, &c.

§ 12. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

Penalty.

§ 13. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said



corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 14. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Crossing streams or roads.

§ 15. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the village of Keeseville. Calls on stockholders.

§ 16. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

§ 17. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

§ 18. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. Rights reserved.

§ 19. The legislature may at any time alter, amend, modify or repeal this act. Power to repeal.

## CHAP. 70.

AN ACT to provide for the erection of a new stone Jail in the County of Cayuga.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

\$5,000 to be  
raised by tax.

§ 1. The board of supervisors of the county of Cayuga are hereby directed to cause a tax to be levied, raised and collected from the taxable inhabitants of the county aforesaid, at their next annual meeting, the sum of two thousand five hundred dollars over and above the expense of collecting the same ; and the further sum of two thousand five hundred dollars over and above the expense of collecting, at their annual meeting in the year eighteen hundred and thirty-three ; which several sums shall be levied and collected for the erection of a stone jail to be located on the court-house lot in the village of Auburn, county aforesaid.

Commission-  
ers.

§ 2. Bradley Tuttle, Truman I. M'Master and Joshua Haskins, of said county, are hereby appointed commissioners to plan, devise, and contract for and superintend the building of said jail, until the same shall be completed. The commissioners shall, before entering upon the duties of their offices as such, execute a bond to the supervisors of the county and their successors in office, with good and sufficient security, to be approved by the treasurer of the county, in the penal sum of ten thousand dollars, conditioned for the faithful application and expenditure of all moneys coming into their hands for the purpose of carrying into effect the provisions of this act.

Duty of treas-  
urer.

§ 3. It shall be the duty of the treasurer of the county to pay into the hands of the commissioners, the sum of five thousand dollars, before mentioned, as soon as the same may have been collected, upon the written request of the commissioners, or a majority of them, taking their receipt for the same.

Proposals to  
be received.

§ 4. The said commissioners before proceeding to erect said jail, shall cause a plan or draft to be made of the building, and appoint a day on which to receive proposals for the erection of said jail, notice of which shall be published in two or more of the public newspapers printed in said village, at least three weeks previous to the day appointed for receiving said proposals, and the said commissioners are hereby empowered to contract with the person or persons who shall propose to build the jail for the lowest sum, provided the person or persons so contracting with the commissioners, shall give to them good and

sufficient security for the faithful performance of his or their contract.

§ 5. The commissioners aforesaid shall account to the board <sup>To account.</sup> of supervisors for the faithful expenditure of all moneys which may come into their hands by virtue of this act, when called upon by them so to do.

§ 6. The said commissioners shall appoint one of their num- <sup>Superintendent</sup> ber to superintend the building of said jail, whose duty it shall <sup>ent.</sup> be to see that the contract is faithfully performed.

§ 7. The said commissioners shall receive for every day <sup>Pay of com-</sup> they shall be necessarily employed in carrying into effect the <sup>missioners.</sup> several provisions of this act, two dollars per day, and no person herein named as commissioner, shall be in any way interested in the erection of said jail.

§ 8. In case of the death, resignation, refusal, or neglect of <sup>Vacancies.</sup> all or either of the persons herein before named as commissioners, to serve as such, it shall be the duty of the board of supervisors of said county to supply such vacancies.

## CHAP. 71.

### AN ACT to incorporate the American Manufacturer's Mutual Assurance Association.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Kellogg Hurlburt, James Averill, Benjamin Marshall, <sup>Corporation</sup> and their associates, and all such other persons as may be <sup>created.</sup> hereafter associated with them, according to the provisions of this act, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The American Manufacturer's Mutual Assurance Association."

§ 2. This corporation is created for the purpose, and shall <sup>To make in-</sup> have authority to make contracts of insurance with any person <sup>surance.</sup> or body corporate, on all manufactories, buildings, and other property connected with, belonging to, or employed, or used, or deposited therein, and on no other description of property whatsoever, for such time or terms of time, within the limitation of this act, and for such premium and consideration, and under such modifications and restrictions, as may be agreed on between the said corporation and the person, persons or corporate body agreeing for such insurance.

General fund.

§ 3. All persons or corporations owning manufactories, or interested therein as owners, who shall at any time hereafter make insurances with the said corporation, shall be members of the corporation, and so continue until the termination of the insurance, upon paying in addition to the premium, such an amount to the general fund of the corporation as shall be prescribed by the by-laws, for the indemnity of the members of the corporation against loss by fire; which general fund, together with the amount of premium received, shall be pledged for the payment of the losses by fire that may be sustained under the contracts of insurance made with said corporation, and for all the other liabilities of the corporation.

Directors.

§ 4. The business of the corporation shall be managed by nineteen directors; and such directors shall be chosen on the second Tuesday in October, in each and every year, by the members present, or their proxies, at such time of the day and at such place as the directors for the time being shall appoint; of which election, notice shall be given by letter delivered to, or transmitted through the post-office, to each of the members, at least thirty days before the election; and every member having an insurance for five thousand dollars, or a less sum, shall be entitled to one vote; for ten thousand dollars to two votes, and for every five thousand dollars in addition, to one additional vote; and until the first election shall take place, according to the provisions of this act, the directors shall be Kellogg Hurlburt, William Walcott, Jesse W. Doolittle, Ebenezer B. Sherman, James Averill, Joseph Kirkland, Benjamin Marshall, Saul Alley, Thomas W. Jenkins, Samuel F. Mott, Eli Goodwin, Morris Ketchum, Lewis Phillips, together with six others to be chosen by the directors so named, who shall respectively hold their offices until other directors shall be elected in conformity to the provisions of this act.

President.

§ 5. The directors herein before named, in a convenient time after the passing of this act, shall, and the directors to be chosen at the annual election shall, as soon as may be thereafter, proceed to choose a person to be president, to serve until the next annual election; and in case of the death, resignation, inability, or refusal to serve, of the president, or of any of the directors, such vacancy or vacancies may be filled for the remainder of the term by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the president, if present, might exercise.

Quorum.

§ 6. The president and four directors, or in the absence of the president, five directors shall constitute a board, and be competent to the transaction of all the business of the corporation.

§ 7. All policies of insurance authorised by this act, hereafter to be made or entered into by the corporation, though not under seal, if subscribed by the president, or in case of his absence by such other person as may be for that purpose authorised by this act, or by the by-laws of the corporation, and countersigned by the secretary, shall be binding and obligatory upon the corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of said corporation had been or was affixed thereto; but no director or member of the said corporation shall be held personally liable on the policies or contracts of insurance of said corporation: *And further,* The policies may be signed and attested, and all other business of the corporation may be conducted and carried on by committees or otherwise, without the presence of the board of directors: *Provided,* The same be done under and in conformity to the by-laws and ordinances, and be not in any respect inconsistent with the provisions of this act.

Policies of insurance.

§ 8. The general fund mentioned in the third section of this act may be invested from time to time in the stocks of the banks of this state, the market price of which shall be at or above the par value, or in the public stocks of this state, or in the stock of the bank of the United States; and the premium mentioned in the said third section shall be loaned on the same stocks, not exceeding ninety per cent upon the market value, or upon bonds and mortgages on real estate of at least thirty per cent above the value for which the same shall be mortgaged.

General fund how to be invested.

§ 9. If it shall happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election of directors, provided the same be done within sixty days thereafter.

Election.

§ 10. The office for the transaction of the business of the corporation shall be in the city of New-York, and at no other place.

Office.

§ 11. This act shall continue for the term of twenty-one years, and the legislature may at any time alter, modify or repeal the same.

Duration of act.

§ 12. The said corporation shall be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

General provisions.

## CHAP. 72.

## AN ACT to divide the Town of Deerfield, in the County of Oneida.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Town of  
Marcy erect-  
ed.

§ 1. All that part of the town of Deerfield, in the county of Oneida, beginning at the southeast corner of the town of Trenton, and running thence on a direct line southerly on the same, being as the east bounds of the town of Trenton bends to the Mohawk river; thence along the said river to the mouth of the Nine Mile creek, on the said river; thence from the mouth of the said creek on a direct line four miles, towards a point in the east line of a tract of land granted to the Baron De Steuben, one and an half miles south at the northwest corner of Servese's patent, so called; thence along the south bounds of the town of Trenton, easterly, to the place of beginning, shall be erected into a separate town, by the name of Marcy; and the first town-meeting shall be held at the school-house, near the dwelling house of Samuel Camp, in said town, on the first Tuesday of May next.

Town meet-  
ings.

§ 2. The annual town-meetings, thereafter to be holden in such towns respectively, shall be holden at such time and place as the electors of such towns shall fix, in pursuance of part first, chapter eleventh, title second, article first and section second of the Revised Statutes.

Poor money,  
&c. to be  
divided.

§ 3. As soon as may be after the next annual town-meeting of said towns, the supervisors and overseers of the poor thereof shall, upon such notice to be given for that purpose by any one of the supervisors, meet together and apportion the poor and other monies belonging to the said town of Deerfield previous to the said division thereof, agreeably to the last tax list of said town.

Vacancies.

§ 4. If the division of the town of Deerfield shall cause vacancies in any of the offices in said town, a meeting of the electors thereof, to supply said vacancies, shall be held at the house of William B. Scott, on the first Tuesday in May next; which meeting shall be called and conducted in the same manner as special town-meetings.

## CHAP. 73.

## AN ACT to incorporate the Oswego Cotton Manufacturing Company.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Ebenezer Hoskins, Gerrit Smith, W. Dolloway, A. J. Yates, Edmund Knowler, John Grant, jun. T. S. Morgan, Henry Fitzhugh, T. F. Crouch, G. W. Woodruff, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name of "The Oswego Cotton Manufacturing Company," for the purpose of manufacturing cotton goods in the village of Oswego, in the county of Oswego. Corporation created.

§ 2. The capital stock of the corporation shall be twenty-five thousand dollars, which shall be divided into shares of fifty dollars each. Stock.

§ 3. The capital stock of said corporation may be increased at any time, by the assent of two-thirds of the stockholders, to fifty thousand dollars, each stockholder being entitled to one vote for each share of stock held by him. May be increased.

§ 4. Books for subscription to the capital stock of said corporation shall be opened under the direction of the trustees hereafter named, at such time and place as they may elect. And the trustees for the time being, may, from time to time, demand of the stockholders, respectively, such portion of the stock subscribed by them, and at such times as they shall see fit, under the penalty of the forfeiture of their shares and all previous payments made thereon, to the said corporation; always giving thirty days' notice, by publishing the same in a public newspaper printed in said county, of such call or demand. Subscriptions to stock.

§ 5. The stocks, property and concerns of the said corporation shall be managed by three trustees, to be chosen annually on the second Monday of May in each year, at such place in said village as the trustees for the time being shall direct; the first election to be on the second Monday of May next; and William Dolloway, Gideon H. Woodruff and Edmund Knowler shall be trustees, from the time this act shall take effect and until others are elected in their stead. Four weeks' previous notice of any election after the first, shall be given of the time and place of holding such election, by publishing said notice in a public newspaper printed in said county of Oswego; and such election shall be holden under the inspection of the trustees. Directors.

tees for the time being, and shall be by ballot, by plurality of the votes of the stockholders present at such election, allowing one vote for every share.

Stock personal property.

§ 6. The stock of the said corporation shall be deemed personal property, and assignable and transferable upon the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer or receive a dividend, until such debt be paid.

Duration of charter.

§ 7. The corporation hereby created shall continue twenty years and no more.

General powers.

§ 7. The said corporation shall possess the general powers, and be subject to the prohibitions and restrictions contained in titles three and four of chapter eighteen of the first part of the Revised Statutes, except so far as the same are modified by this act.

## CHAP. 74.

### AN ACT to incorporate the Auburn and Owasco Canal Company.

Passed March 30, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation created.

§ 1. Ezekiel Williams, Lyman Paine, Henry Polhemus, Allen Warden, Amos Underwood, Abijah Fitch, Isaac S. Miller, and Asaph D. Leonard, with such other persons as shall associate with them for the purpose of opening a navigation from the Owasco lake to the village of Auburn, shall be, and they are hereby constituted a body politic and corporate, by the name and title of "The Auburn and Owasco Canal Company."

Stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be considered personal property, and transferable according to the by-laws of the corporation.

Directors.

§ 3. The business and concerns of said company shall be managed by nine directors, who shall always be stockholders of said company, and be annually elected by the stockholders of said company, in person or by proxy; and all vacancies in the direction shall be filled, for the remainder of the year, by the residue of the directors.

First Directors.

§ 4. Allen Warden, Edward Allen, Samuel Cumpston, Henry Polhemus, Obed Folger, George C. E. Thompson, Robert Muir, Stephen Van Auden, and John Patty, shall be



the first directors of the said company, who shall elect a president out of their own number, and hold their offices until the first Monday in June, one thousand eight hundred and thirty-three, and until others are elected.

§ 5. On the first Monday in June, in the year one thousand eight hundred and thirty-three, and every succeeding year, an election of directors of said company shall be held at such place in the village of Auburn as shall be appointed by the directors, who shall give public notice of such election in one of the public newspapers printed in said village, at least two weeks previous to said election; and the directors shall be inspectors of such election. Election.

§ 6. Such election shall be by ballot; every stockholder shall have one vote for each share of stock in said company held by him; and a majority of all the votes given shall be necessary to a choice. By ballot.

§ 7. The directors, immediately thereafter, shall meet and elect a president out of their number, who shall be the president until another election; not less than five directors, including the president, shall form a quorum for transacting business; but in the absence of the president, a president pro tempore may be appointed. President.

§ 8. The directors named in the fourth section shall, on such day as they may appoint, at some proper place in the village of Auburn, in the city of Albany, or in the city of New-York, or at any or all of said places, open books to receive subscriptions to the capital stock of said company, and may continue them open until the whole of said capital stock is subscribed; notice of the time and place of opening such books shall be published in the newspapers printed in said village of Auburn, at least two weeks previous thereto. on Subscriptions

§ 9. The said directors may prescribe the form of such subscription, and may declare any subscription invalid by reason of the subscriber not complying with the conditions or terms prescribed. Form.

§ 10. The directors of said company shall have power to declare the stock of persons neglecting, at any time, to pay any instalment upon such stock, according to the terms of their subscription, together with all previous payments thereon, to be forfeited to the use of said company; or the said company may sue and recover from such delinquent stockholders and subscribers the amount due on their shares, in an action of assumpsit, in any court having cognizance thereof. Forfeiture.

§ 11. The corporation hereby created is authorised and empowered, Special powers.

1. To make, construct, and forever maintain, a canal or navigable communication, of suitable width and dimensions,

to be determined by the directors of said company, from the Owasco lake into the village of Auburn :

2. To improve the Owasco outlet, clear it, and lower the bed, so as to make a good navigation from the lake to Paine's mill-dam, without raising the surface of the lake above its ordinary height, and to lay out, open and work a canal from said dam to the village of Auburn ; or if said corporation should deem it advisable to extend the navigation of said creek below Paine's dam, then to erect a dam on said creek, and to lay out, open, and make a canal from said last mentioned dam to said village :

3. To enter upon and take possession of such lands as may be necessary for the construction of said dam and of said navigable canal, locks and other works and devices requisite to make and keep open a navigable communication to said village :

4. To enter upon any lands through which said canal shall be laid, for the purpose of digging and constructing said canal, and building and constructing any lock or locks, or other works that may be necessary to make the same navigable :

5. To regulate the time and manner, size and order, in which all boats, crafts, and property shall pass on said canal :

6. To establish the amount of tolls or transit duties upon such boats, crafts, and property, and the manner and mode of collecting the same, whether on the boat, vessel or craft carrying property or effects, or on the property or effects themselves, or both, as the case may be.

7. With the consent of the owner or owners of mills and hydraulic privileges on said outlet, from the lake to the termination of said canal, to take and use the water of said outlet to supply said canal with water, and to use or take and dispose of the surplus water contained in the said canal, or any lock or basin thereof, for the use of mills or any other hydraulic purposes, or to supply the inhabitants of the village of Auburn with water, by means of aqueducts through said village :

8. To lease, alien and convey any lands and real estate, water-power or privileges belonging thereto, which they may deem unnecessary for the purposes of said corporation, whether the same was vested in them by purchase or voluntary donation.

Damages.

§ 12. The said directors shall have power to contract with the owner or owners of any land through which said canal shall be laid out and constructed, and to pay such owner or owners the damages they may sustain in consequence thereof.

Appraisal.

§ 13. In case of disagreement between said directors and any owner or owners of any such lands, respecting the amount of such damages, the said damages shall be ascertained and paid as follows :

1. It shall be lawful for the parties to appoint three suitable and judicious persons, residing in the said county, who shall be sworn fairly and impartially to estimate the same :

2. If the parties cannot agree upon such persons, or if any person shall refuse or neglect to join in such appointment within twenty days after requisition for such purpose upon him made, or if the owner of such land shall be a married woman, under age, insane or out of the state, or if the person, or a majority of the persons, appointed by the parties shall not, within thirty days after receiving notice of their appointment, file a report of their estimate in the office of the clerk of the said county, then, and in either of these cases, either of the parties may apply to the court of common pleas of the said county :

3. On such application, the said court shall award a venire, directed to the sheriff, requiring him to summon a jury of twelve disinterested men, in order to ascertain and report to the said court under their oaths, what damages, if any, have been sustained by the owner or owners of the lands or property so taken, used or occupied ; which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment, for the sum awarded, with costs, to be assessed by the court :

4. It shall be the duty of the jury or three appraisers, or a majority of them, as the case may be, in valuing any lands or property, or in estimating the damage done thereto, to take into consideration the advantages derived to the owner or owners of the premises, from the said navigation passing through the same, and to describe and ascertain the bounds of the lands or premises by them valued, and annex the same to their report or appraisement :

5. It shall be lawful for any person feeling himself aggrieved by the report of the said appraisers, to appeal to the next court of common pleas to be holden in and for the county in which the said premises are situate, within thirty days from the time of filing such report :

6. The said court shall proceed to hear and determine such appeal, and shall vacate said appraisement, modify or confirm the same, as shall be just, and the decision of the said court thereon shall be final and conclusive :

7. Whenever the damages in any of the cases above specified, shall be appraised as above is provided, the same shall be paid by said corporation when lawfully demanded.

§ 14. The said corporation shall not cease by reason of not holding any annual election on the day herein appointed therefor ; and the president and directors may provide for an election on any other day, (in case of failure to hold the same as herein provided,) giving the same public notice thereof as is required of an annual election. Saving clause.

General  
powers.

§ 15. The said corporation shall possess the general powers, and be subject to the liabilities and restrictions of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes.

Right to re-  
peal.

§ 16. The legislature may at any time alter, amend or repeal this act.

## CHAP. 75.

AN ACT to amend an act, entitled, "*An act to incorporate the Ithaca and Owego Rail-Road Company,*" passed January 28, 1828.

Passed March 31, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Stock may be  
increased.

§ 1. The Ithaca and Owego rail-road company are hereby authorised to increase their capital stock to three hundred thousand dollars, to be divided into shares of fifty dollars each.

Commission-  
ers.

§ 2. The president and directors of the company shall be commissioners to open books, and to receive subscriptions; and the same proceedings shall be had in relation to the subscribing and distributing of the additional stock as was directed to be had before commissioners on the first subscription for the original capital.

Directors.

§ 3. In the place of nine directors, as is prescribed by the act of incorporation, there shall hereafter be thirteen elected, at the time and in the manner prescribed by the said act, any seven of whom shall form a board, and be competent to transact all business of the corporation.

Time extend-  
ed.

§ 4. The time for completing the road as mentioned in the fourth section of the act, is hereby extended two years.

## CHAP. 76.

**AN ACT** to alter the time of holding the Courts of Common Pleas and General Sessions in and for the County of St. Lawrence.

Passed March 31, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The courts of common pleas and general sessions in the county of St. Lawrence, shall hereafter be held on the third Tuesdays of May, September and December in each year, instead of the terms now prescribed by law.

§ 2. A grand jury shall be drawn and summoned at each of said terms.

§ 3. All process already issued and made returnable at the June term, shall be returnable on the third Tuesday of May next.

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**CHAP. 77.**

**AN ACT** to annex a part of the Town of Kingston to the Town of Saugerties, in the County of Ulster.

Passed April 2, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From and after the passage of this act, all that part of the town of Kingston, beginning in the northerly bounds of said town of Kingston, in the middle of the Plattekill, and in the division line between the second and third class in the division of the commons of the corporation of Kingston, and runs thence along said division line, and the same continued north sixty-five degrees west, two hundred and eighty-two chains, to the north-west corner of said town of Kingston ; thence along the westerly bounds thereof south twenty-five degrees west, one hundred and fifty-six chains, to the corner between lots number seven and eight in the southwest class in the division of said commons ; thence along a line of marked trees south sixty-five degrees east, two hundred and ninety-eight chains, to the east bounds of the first class in the division of said commons ; thence south eighty-four degrees east, seventy chains to the middle of the Plattekill aforesaid ; thence up, the middle thereof to the

place of beginning; shall be annexed to and become a part of the town of Saugerties, in the county of Ulster.

§ 2. This bill shall take effect immediately after its passage.

## CHAP. 78.

**AN ACT to extend the time for completing the Canal and Locks on the Seneca River, in the County of Onondaga.**

Passed April 2, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The time limited by the canal board by their resolution of the eighteenth of March, one thousand eight hundred and thirty-one, requiring Stephen W. Baldwin and Harvey Baldwin to erect a canal and locks around their dam across the Seneca river, in the town of Lysander, in the county of Onondaga, by the first day of December then next; and the further extension and limitation of said time by a subsequent resolution of said board to the first of May next, shall be, and the same is hereby extended, to the first of August next, any thing in said resolution to the contrary notwithstanding.

## CHAP. 79.

**AN ACT to authorise the Mohawk and Hudson Rail-Road Company to construct a Branch Rail-Road, and for other purposes.**

Passed April 2, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

*Branch.*

§ 1. The Mohawk and Hudson rail-road company are hereby authorised to construct a branch rail-road from the line of their present rail-road, at or near its intersection with the great western turnpike, to Capitol square in the city of Albany, and from thence, or from some point between the said place of intersection and Capitol square, to the Albany basin; and to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, which the said corporation may choose to employ; and from

time to time to fix, regulate and receive the tolls and charges, by them to be received, for transportation of property or persons upon the same.

§ 2. The said rail-road company are hereby authorised to cause such examinations and surveys to be made of the ground lying between the said place of intersection and Capitol square, and eastwardly thereof to the Albany basin, as shall be necessary to determine the most advantageous route, place or places for the proper line, course, road and way, whereon to construct their said branch rail-road; and it shall be lawful for the said rail-road company to enter upon and take possession of, and use all such lands and real estate as may be requisite for the construction and maintenance of their said branch rail-road, and the accommodations requisite and appertaining thereto. And the said rail-road company may also receive, hold and take all such voluntary grants and donations of land and real estate as shall be made to the said company to aid in the construction, maintenance and accommodation of their said branch rail-road. All lands or real estate thus entered upon and taken possession of and used by the said company, and which are not donations, except such of the streets, squares or lanes in the city of Albany as may be used for the purpose, shall be purchased by the said company of the owner or owners of the same, at a price to be mutually agreed upon between them: and in case of a disagreement as to the price, it shall be the duty of the governor of this state, upon a notice to be given to him by the said company, to appoint three commissioners, of whom one at least shall be a resident of the county of Albany, who shall be persons not interested in the matters to be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon by the said company, has or have sustained by the occupation of the same. And upon payment of such damages, or upon the said company depositing in any bank in the city of Albany the amount of such damages, to the credit of the person or persons to whom the commissioners may have awarded them, some proper officer of such bank giving notice to such person or persons, by letter, of such deposit being made by the said company, then the said company shall be deemed to be seised and possessed in fee simple of all such land or real estate as shall have been appraised by the said commissioners. And it shall be the duty of the said commissioners, or a majority of them, to deliver to the said company a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said company in the clerk's office of the county of Albany. And the said commissioners shall each be allowed the sum of three dollars for each day they shall be employed in performing the duties hereby intended to be reposed in them.

Rights of minors, &c.

§ 3. In case any owner or owners of land or real estate so appraised, shall be feme covert, under age, non compos mentis, or out of this state, then and in such case the said company shall pay the amount which shall have been awarded as due to the said last mentioned owners respectively, whenever the same shall be lawfully demanded, together with interest at the rate of seven per cent per annum.

Capital stock may be increased.

§ 4. The said rail-road company are hereby authorised to increase their capital stock, by adding to their present capital the sum of one hundred thousand dollars. The said additional capital, when created, shall be divided into shares of one hundred dollars each, and such additional shares may be subscribed and paid for at par by the stockholders of the Albany and Schenectady turnpike company, in proportion to the stock held by them respectively in said turnpike company, at the time of such subscription, in case they shall elect to subscribe for such additional shares. And the directors of the Mohawk and Hudson rail-road company shall give due notice to the president, directors and company of the Albany and Schenectady turnpike company of the time and place, when and where the said additional shares are to be subscribed for, and of the amount which is to be paid on each of the said shares at the time of making such subscription. The said president and directors of the said turnpike company shall, on the day of subscription, furnish to the directors of the rail-road company a certificate, under the seal of the said turnpike company, stating the names of the stockholders in the said turnpike company, and the number of shares in the said additional stock in the said rail-road company which each of the said stockholders shall be entitled to subscribe for. And in case any of the stockholders in the Albany and Schenectady turnpike company shall, on the day appointed for the purpose, neglect to subscribe for such additional shares as the said certificate shall state him to be entitled to subscribe for, and to pay such instalment thereon as shall be required by the directors of the said rail-road company, the said shares which the person so neglecting to subscribe and pay for would be entitled to subscribe for may be subscribed and paid for by the president, directors and company of the Albany and Schenectady turnpike company, to be distributed by them among the stockholders thereof, or otherwise disposed of, as the said president and directors may see fit. And if the said president and directors of the Albany and Schenectady turnpike shall not, within ten days thereafter, subscribe and pay for the said shares, which they shall thus become entitled to subscribe for, the said shares which shall so remain unsubscribed for shall be distributed and disposed of by the directors of the Mohawk and Hudson rail-road company in such manner as they may see fit.



§ 5. The directors of the Mohawk and Hudson rail-road company shall have power to require the holders of the said additional shares to make payment of the monies which shall remain unpaid thereon, after the payment which is to be made at the time of subscription as aforesaid, at such times and places, and in such proportions, as the said directors shall see fit, under the penalty of forfeiture of the said shares and all previous payments thereon: and notice of the payments thus required, and of the time and place, when and where such payments are to be made, shall be given at least thirty days previous to the time of payment, by publication in a public newspaper printed in the city of Albany, and in a public newspaper printed in the city of New-York, which notice so to be published shall be deemed sufficient to authorise the forfeiture above provided, in case of any neglect to comply therewith.

§ 6. Elections for directors of the said rail-road company, shall hereafter be made in the manner following, that is to say: <sup>Election of directors.</sup> the corporation of the city of Albany may annually, and within one month preceding the election, nominate eight persons, each of whom shall, at the time of such nomination, be a stockholder in the said rail-road company, holding at least twenty-five shares of stock; and the said corporation shall give notice of such nomination to the directors of the said rail-road company, at least twenty days previous to the then next election of directors. The five persons not nominated by the said corporation, who shall receive the greatest number of votes at such election, shall be directors of the said rail-road company, for the year next ensuing the said election; and such four of the persons so nominated by the said corporation of the city of Albany as shall receive a greater number of votes than shall be received by the other four so nominated, shall also be directors of the said company for the said year. If the said corporation of the city of Albany shall not make such nomination, or shall not give such notice thereof as above mentioned, then the nine persons who shall receive the greatest number of votes at such election, shall be the directors of the said rail-road company for the year ensuing such election. If by means of two or more persons receiving an equal number of votes, or from any other cause, the whole number of directors shall not be elected at any election, such persons as shall be elected directors at such election, shall fill the vacancy or vacancies.

§ 7. The said rail-road company are hereby allowed the period of two years from the passage of this act, to construct, finish and put in operation the said branch rail-road; and the time for constructing, finishing, and putting in operation their main rail-road, is hereby extended for the said term of two years. <sup>Time extended.</sup> The said rail-road company shall at all times keep

and maintain their said main rail-road in operation, to its termination at the Hudson river, for the transportation of goods, and such passengers as may choose to travel in carriages, for carrying property. If the said branch rail-road shall not be constructed, finished, and put in operation within the said two years, the right of the said company to construct the same shall cease.

§ 8. It shall not be requisite for the president and directors of the said rail-road company, to make such statement of the expense of constructing the main rail-road as is required by the second section of the act entitled "An act to amend the act to incorporate the Mohawk and Hudson rail-road company," passed April 17th, 1826, to be made by them, until the completion of the said branch rail-road; and when such statement is made, it shall include the expense of constructing the said branch rail-road; and the yearly statements to be made thereafter, shall contain a statement of all toll received on the main rail-road and on the branch rail-road, and of all monies expended by the said rail-road company for repairs or otherwise, for the purposes of both the main and the branch rail-road: and the provision to be made for repayment to the said company which the legislature is authorized to make for the purpose of vesting the rail-road in the people of this state, as contained in the act of the twenty-eighth of March, one thousand eight hundred and twenty-eight, entitled "An act to amend the act to incorporate the Mohawk and Hudson rail-road company, passed April seventeenth, one thousand eight hundred and twenty-six," shall extend to and include the amount expended by the said rail-road company in constructing both the main rail-road and the said branch rail-road, together with all monies expended by the said rail-road company for permanent fixtures for the use of the said roads, or either of them, with interest on such sums, at the rate of fourteen per cent per annum, together with all monies expended by the said rail-road company for repairs or otherwise, after deducting the amount of tolls received on the said roads, or either of them.

**Dividends.**

§ 9. Dividends of profits to be derived from the main rail-road now constructing, until the completion of the branch rail-road to the Capitol square, shall be made among the owners of the present stock, and the owners of the stock to be created under and by virtue of the fourteenth section of this act.

**Expense.**

§ 10. If the expense of constructing and completing the said branch rail-road, and of purchasing the ground therefor, and for the accommodations requisite and appertaining thereto, and of erecting the necessary buildings for the use of the said company at the basin, or on the said branch rail-road, shall exceed the sum of one hundred thousand dollars, the excess shall

be paid out of the profits to be derived from the said main rail-road and branch rail-road, from and after the completion of the said branch rail-road to the Capitol square; and if such expense shall not amount to the sum of one hundred thousand dollars, the residue of the said one hundred thousand dollars over and above the said expense, shall be divided among all the stockholders of the said company, with the first dividend of profits which shall be made after the completion of the said branch rail-road.

§ 11. No street, square or lane, in the city of Albany, shall <sup>Streets.</sup> be made use of by the said rail-road company for the said branch rail-road, without the permission of the corporation of the city of Albany first had and obtained.

§ 12. The said rail-road company shall be under no obligation to make such increase of stock as is above authorised, nor to construct the said branch rail-road, nor to have any of the directors of the said company elected out of persons nominated by the corporation of the city of Albany, unless the said corporation shall first authorise the said rail-road company to make use of such of the streets, squares or lanes, in the said city for the said branch rail-road, as the said rail-road company may desire to use for the purpose, without the payment of any compensation therefor. <sup>U. s. of.</sup>

§ 13. If any person or persons shall wilfully or maliciously <sup>Pennly.</sup> injure the main rail-road, or the said branch rail-road, or any machine, carriage, building or work of the said company, such person or persons shall forfeit and pay therefor, to the said rail-road company, three times the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, in an action of debt, with costs of suit, in any court having cognizance of the same.

§ 14. The said rail-road company are hereby authorised to <sup>Stock may be increased</sup> increase their capital stock, immediately after the passage of this act, to six hundred and fifty thousand dollars, by adding to the present capital of five hundred thousand dollars the sum of one hundred and fifty thousand dollars, such increased capital stock to be divided into fifteen hundred shares, of one hundred dollars each.

§ 15. The directors of the said company shall cause the said <sup>Shares may be sold at auction.</sup> fifteen hundred shares to be sold by public auction, at such time or times, at such place or places, and either all at one time or part at one time and other parts at other times, as they may deem fit, and shall apply the proceeds thereof to the payment of the debts of the said company, and to the completion of their main rail-road, and putting the same in operation, and providing the requisite accommodations therefor and appertaining thereto; any premium received upon the sale of the said stock shall be deemed tolls.

Whole capital.

§ 16. The increase of capital authorised by the fourteenth section of this act, is exclusive of, and without reference to the increase of capital which is authorised by the fourth section of this act. And if the said company shall make such increase of stock as is authorised by the said fourth section, the whole capital of the said company shall be seven hundred and fifty thousand dollars; but if they shall not make the increase of stock which is authorised by the said fourth section, then the capital of the company shall be six hundred and fifty thousand dollars.

Rights reserved.

§ 17. The legislature may at any time hereafter, alter, amend or modify this act.

## CHAP. 80.

AN ACT amending "An act for the relief of Gideon Castle," passed February 4th, 1831.

Passed April 4, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of the land-office are hereby authorised and required, at the request of Gideon Castle, to inquire and determine whether the said Gideon Castle, in the year one thousand eight hundred and twenty, had a valid conveyance of fifty-six acres of land, being parts and parcels of lot number ninety-seven, in the town of Camillus, which he leased to Gilbert Rose and his wife, derived from any heir at law of Robert Gipson, the patentee of said lot; and if they shall determine that he had such conveyance, upon the said Gideon Castle's executing and delivering a sufficient release to the people of this state of all his right, title and interest to the said fifty-six acres of land, or a like release from the assignee or assignees of the said Gideon Castle, if he shall have assigned or transferred his interest therein, upon producing which determination and release aforesaid, the comptroller shall draw his warrant in favor of the said Gideon Castle, or his representatives, for the sum of eight hundred dollars, with the interest thereon, from the eighth day of July, in the year one thousand eight hundred and twenty-eight, and for the costs and charges to which the said Gideon Castle shall have been necessarily put in establishing his title; which warrant the treasurer is hereby directed to pay to the said Gideon Castle, or his representatives.

## CHAP. 81.

AN ACT to divide the Town of Volney, in the County of Oswego, into three Towns.

Passed April 4, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. From and after the first day of March, in the year one thousand eight hundred and thirty-three, all that part of the town of Volney, comprising the fourteenth township, together with lots number seven, eight, nine, sixteen, seventeen, eighteen, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, thirty-six, forty-three, forty-four, forty-five, fifty-two, fifty-three, fifty-four, sixty-one, sixty-two, sixty-three, seventy, seventy-one, seventy-two, eighty, eighty-one, eighty-nine, ninety, ninety-eight, ninety-nine, one hundred seven, one hundred and eight, one hundred and sixteen, and one hundred and seventeen, on the fifteenth township in said town, be and the same is hereby erected into a separate town, by the name of Palermo, and the first town-meeting shall be held at the house now kept by Alva Jennings, in said town, on the first Tuesday of March, in the year one thousand eight hundred and thirty-three.

Town of Palermo erected.

§ 2. From and after the first day of March, in the year one thousand eight hundred and thirty-three, all that part of the town of Volney, comprising the twenty-fourth township, together with lots number ten, eleven, twelve, thirteen, fourteen, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, and S. Lush's location, all in the sixteenth township, be and the same is hereby erected into a separate town, by the name of Schroepfel, and the first town-meeting shall be held at the house now kept by James B. Richardson, in said town, on the first Tuesday of March, in the year one thousand eight hundred thirty-three; and all the remaining part of said town of Volney, shall be and remain a separate town, and the first town-meeting shall be held at the house now kept by F. Rhyne, in the village of Fulton, in said town, on the first Tuesday of March next.

Town of Schroepfel erected.

Volney to remain.

Funds, &c.  
divided.

§ 3. On the third Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, shall meet together, at the house now occupied by John Gasper, in the town of Volney, and apportion the poor, and money belonging to the same ; also, all the rights and credits, or other personal estate belonging to the same, previous to the division of the said town of Volney, agreeable to the tax list of the year one thousand eight hundred and thirty-one, and that each town shall, forever thereafter, support their own poor.

Justices of  
the peace.

§ 4. At the aforesaid town-meetings, the voters of each of said towns shall elect their several town officers, but all justices of the peace elected by the said town of Volney, and residing in either of the aforesaid new towns, shall be and continue justices of the town in which they do reside during the term of their office.

When to en-  
ter on their  
duties.

§ 5. The several justices of the peace elected in each of said towns, shall, when so elected, enter upon the duties of their office.

## CHAP. 82.

*AN ACT vesting the Title of a certain Lot in the City of New-York, escheated to the People of this State, in Elizabeth Idley, her Heirs and Assigns forever.*

Passed April 4, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the estate and interest of the people of this state in and to a certain lot of ground in said city, fronting on the Bowery on the westerly side thereof, between Spring and Prince-streets, being twenty-five feet wide and ninety-eight feet six inches deep, which said lot is now vacant, and has been in the possession of one Elizabeth Idley for the last twenty-four years, which has been acquired by escheat, in consequence of the alienism of John Downey, the former husband of said Elizabeth Idley, is hereby vested in said Elizabeth Idley, her heirs and assigns forever, subject to all claims of creditors of the said John Downey, in the same manner as if he had been a native citizen of the United States.

## CHAP. 83.

**AN ACT** *authorising Alexander Crookshank, and other persons therein named, to change their names.*

Passed April 4, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Alexander Crookshank, of the town and county of Schoharie, and John Crookshank, of the town of Salem, in the county of Washington, may each respectively assume and take the surname of Gibson, and after the passage of this act, the persons named in this section, shall be called and known by the respective names of Alexander C. Gibson and John C. Gibson, and the families of the said Alexander and John, shall be known of the family name of Gibson.

§ 2. Jane Crookshank, widow, Hugh, Sarah and Jane Crookshank, of the town of Hebron, in the county of Washington, may each respectively assume and take the name of Gibson; and after the passage of this section, the persons named therein, shall respectively be called and known by the name of Gibson, instead of Crookshank.

§ 3. Hugh Crookshank, and James Crookshank, of the city of Albany, may each assume and take the surname of Gibson; and after the passage of this section, they shall respectively be called and known by the names of Hugh T. Gibson and James Gibson, instead of the name of Crookshank.

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## CHAP. 84.

**AN ACT** *to confirm the Title of certain Real Estate, in the City of New-York, in the Trustee of Edward Thorn, and to authorise the sale thereof.*

Passed April 4, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the estate and interest of the people of this state, in the house and lot known as No. 415, Broome-street, on the southerly side thereof, in the city of New-York, and distinguished on a map of the farm of Nicholas Bayard, deceased, as lot number seven hundred and fifty-seven, containing in front and rear twenty-five feet, and on the easterly side, one hundred and thirteen feet, and on the westerly side, one hun-

dred and twelve feet, acquired in consequence of the alienage of Edward Thorn, of Granville, in the province of Nova Scotia, is hereby released, and vested in Adam Tredwell, of the city of New-York, the trustee of the said Edward Thorn.

§ 2. The said trustee is hereby authorised to sell and convey said house and lot in the execution of such trust, and to pass a full title to the same to any purchaser being a citizen of the United States, notwithstanding any interest or right of the people of this state.

## CHAP. 85.

*AN ACT to extend the Charter of the Sidney Bridge Company.*

Passed April 4, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act authorising the building of a toll bridge over the Susquehannah river," [passed the twenty-first day of April, one thousand eight hundred and twenty-three, is hereby extended, and continued in force, until the legislature shall hereafter modify or repeal the same.

§ 2. From and after the twenty-first day of April, one thousand eight hundred and forty-three, the said corporation shall be subject to the provisions of the third title of the eighteenth chapter of the first part of the Revised Statutes.

## CHAP. 86.

*AN ACT authorising and directing the final settlement of the claims of John Jacob Astor against this State.*

Passed April 5, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Claim to be settled.

§ 1. The final decision against the tenants, and in favor of John Jacob Astor, in three of the five suits directed by the act entitled "An act to extinguish the claim of John Jacob Astor and others, and to quiet the possession of certain lands in the counties of Putnam and Dutchess," passed April 16, 1827, to be prosecuted to judgment in the circuit court of the southern district of New-York, and to be presented by writs of error to the supreme court of the United States for review and final



determination, shall be considered a compliance in that particular, with the intent and meaning of the said act; and the comptroller, upon the proper evidence being adduced to him of such final decision in favor of the said John Jacob Astor and those claiming under him, in any three of the said suits, may settle and pay the said claim in the manner directed by the said act, without requiring any proceedings in the two remaining suits.

§ 2. The comptroller is hereby authorised, in addition to the amount of stock to be issued by the act above referred to, to issue, in the same manner and form, such further amount of five per cent stock as shall, with such payments in cash as may be made, be equal to the interest due on the first day of April instant, pursuant to the provisions of the said act, and he shall make all the certificates of stock bear date on the first day of April instant, so as to draw interest from that time, that being the day when the said interest became payable by the terms of the act aforesaid; the stock to be paid for interest to be made redeemable on a day certain, not extending beyond the first day of February next.

§ 3. No certificates of stock shall be issued, either pursuant to the act of one thousand eight hundred and twenty-seven, before referred to, or pursuant to the second section of this act, until the said John Jacob Astor shall deliver to the secretary of state, to be recorded in his office, a release or releases, certified by the attorney-general of this state to be good and sufficient to discharge this state and the defendants respectively, against whom recoveries have been had in any of the said suits, both from the effect and operation of such recoveries, and from all claims and demands whatever for costs or charges arising from or growing out of the said suits or either of them.

§ 4. The quarterly interest upon the stocks to be issued by virtue of the said act of one thousand eight hundred and twenty-seven, or of this act, shall be paid as the same shall fall due by the treasurer, upon the warrant of the comptroller, as a part of the ordinary expenses of the government.

§ 5. This act shall take effect immediately after its passage.

## CHAP. 87.

AN ACT *vesting the Title of certain Lands in Joseph Ross, an Alien.*

Passed April 5, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the right, title, and interest of the people of this state in and to the following described premises, situate and being in the town of Crawford, in the county of Orange, and state of New-York, which has been acquired by escheat, in consequence of the alienism of Joseph Ross, the present grantee, is hereby vested in said Joseph Ross, his heirs and assigns forever. Said premises are thus bounded : All that certain lot, piece or parcel of land, situate, lying and being in said town of Crawford, being part of a tract of land called the eight thousand acre tract, and also parts of lots number one and two in the third allotment : Beginning at a stake and heap of stones put up in the southernmost bounds of said eight thousand acre tract, one chain and seventy links east of a public road, at the foot of a steep ridge, and runs from thence along the easterly bounds of the said tract north thirty-three degrees east, thirty-six chains and fifty links, to a walnut sapling marked with three notches on four sides, standing in the east side of a swamp, and being the northerly corner of said lot number two ; thence along the north bounds of said lot number two south fifty-six degrees and six minutes east, thirty-one chains and fifty links, to a stake and heap of stones put up in said bounds, and being the most northerly corner of Lawrence Crantz's land ; thence along the west bounds of said Lawrence Crantz's land, south forty-eight degrees west, eight chains and seventeen links, to a stake and heap of stones on the east side of a swamp ; thence south forty-one degrees thirty minutes west, eighteen chains eighty-seven links, to a pepperidge tree marked on three sides, standing on the east of said swamp ; then south eighteen degrees forty-five minutes west, ten chains twenty-six links, to a heap of stones in the south bounds of said lot number one ; and thence along the south bounds of said lot to the place of beginning ; containing one hundred and two acres ten perches.

## CHAP. 88.

## AN ACT for the relief of the Erie County Medical Society.

Passed April 5, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The medical society organized in the county of Niagara, (now Erie,) on the fifteenth day of November, in the year one thousand eight hundred and sixteen, is hereby legalized, and confirmed, notwithstanding any neglect or omission, either in the necessary proceedings to form said society, or in holding their regular meetings since such organization, and the present officers of said society shall hold their offices until the time fixed by said society for the next annual election of officers, and until others are chosen in their places. Society legalized.

§ 2. Said society shall hereafter be known by the name of Name. "The Erie County Medical Society," and be subject in all respects to the laws of this state, regulating to the practice of physic and surgery, and shall possess all the powers, and be subject to all the provisions of the act, entitled "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," passed April tenth, one thousand eight hundred and thirteen, and the several acts amending the same now in force, as far as the same are applicable to county medical societies.

§ 3. This act is hereby declared to be a public act, and to take effect immediately on the passage thereof, and the legislature may at any time alter, modify or repeal the same. Rights reserved.

## CHAP. 89.

## AN ACT to make certain alterations in the Map or Plan of the City of New-York.

Passed April 5, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The public place known in the map or plan of the city of New-York, as Union place, shall be altered and enlarged, so as to include within its boundaries all the lands and premises lying within the following lines, that is to say : beginning Union place.

at the point where the easterly line of the Fourth Avenue, as the same is now laid down on the map or plan of the said city, intersects the southerly line of Fourteenth-street, and running thence northerly along the easterly line of the said Fourth Avenue, to the northerly line of Seventeenth-street; thence westerly along the said northerly line of Seventeenth-street to the westerly side of the Bloomingdale road; thence southerly on a line running parallel with the easterly line of the Fourth Avenue, to the southerly line of Fourteenth-street; and thence easterly along the southerly line of Fourteenth-street to the place of beginning, and no other lands or premises except those lying within the said boundaries shall hereafter be deemed as being part or parts of Union place, in the said city, the provisions of any existing law or laws, or the pendency of any proceeding or proceedings for opening any street, avenue or public place in the said city, to the contrary notwithstanding.

Fourth Avenue.

§ 2. The said Fourth Avenue shall terminate at the northerly line of Seventeenth-street, and shall not be continued southerly of Union place, as the same is above altered and described.

## CHAP. 90.

AN ACT concerning the collection of Taxes, in the County of Kings.

Passed April 5, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The time for the collection of taxes in the county of Kings shall be, and is hereby extended to the first Tuesday of December in each year, in addition to the time at present allowed for that purpose; and the warrants to the collectors of the several towns of the said county shall be conformed to this provision.

## CHAP. 91.

## AN ACT to incorporate the Fishkill Factory.

Passed April 6, 1832:

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. James Given, John C. Van Wyck, Joseph I. Jackson, Epenetus Crosby, Samuel Upton and Peter Van Vleit, and such other persons as may be associated with them, are hereby constituted a body corporate by the name of "The Fishkill Factory," for the purpose of manufacturing cotton and woollen goods, machinery and iron castings, or either of them separately, in the town of Fishkill, Dutchess county. Corporation created.

§ 2. The capital stock shall be fifty thousand dollars, which shall be divided into five hundred shares of one hundred dollars each. Stock.

§ 3. Subscriptions to the capital stock of said corporation shall be opened under the direction of the trustees hereafter named; and it shall be the duty of the trustees for the time being, to call for and demand of the stockholders, respectively, all sums of money by them subscribed, at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares and all previous payments made thereon, to the corporation; always giving thirty days' notice by their clerk or agent, in writing, to each stockholder, of such call or demand. Subscriptions.

§ 4. The stock, property and concerns of the said corporation shall be managed by five trustees, to be chosen annually on the first Monday of January in each year, at such place as the trustees for the time being shall direct; and the first election shall be on the first Monday in January in the year one thousand eight hundred and thirty-four; and James Given, John C. Van Wyck, Joseph I. Jackson, Epenetus Crosby, Samuel Upton and Peter Van Vleit shall be the trustees, from the time this act shall take effect, and until others are elected in their stead. Four weeks' previous notice of an election, after the first, shall be given of the time and place of holding such election, by publishing said notice once in each week, for four weeks immediately preceding such election, in some paper printed in the county of Dutchess; and such election shall be holden under the inspection of the trustees for the time being, and shall be by ballot, by plurality of the votes of the stockholders present, in person or by proxy, at such election, allowing one vote for every share. Trustees.

Stock trans-  
ferable.

§ 5. The stock of said corporation shall be personal property, and transferable on the books of the corporation; but no stockholder indebted to the corporation shall be permitted to take or transfer, or receive a dividend, until such debt be paid to the satisfaction of the trustees.

Duration.

§ 6. The corporation hereby created shall continue twenty years, and no longer.

General powers.

§ 7. The said corporation shall possess the general powers, and be subject to the prohibitions and restrictions contained in titles three and four of chapter eighteen of the first part of the Revised Statutes, except so far as the same are modified by this act.

Rights reserved.

§ 8. The legislature may, at any time, alter, modify or repeal this act.

## CHAP. 92.

*AN ACT for the relief the Town of Aurora.*

Passed April 6, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The secretary of state is authorised and required to furnish the town of Aurora, in the county of Erie, with a copy of the Revised Statutes, and session laws of eighteen hundred and twenty-nine, eighteen hundred and thirty and eighteen hundred and thirty-one, at the expense of the state.

## CHAP. 93.

*AN ACT to amend an act, entitled "An act to incorporate the New-York and Harlaem Rail-Road Company," passed 25th April, 1831.*

Passed April 6, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Road to be  
extended.

§ 1. The president and directors of the New-York and Harlaem rail-road company, are hereby authorised and empowered, with the permission of the mayor, aldermen, and commonalty of the city of New-York, to extend their rail-road along the Fourth Avenue to Fourteenth-street, in the said city, and through such other streets in the said city as the mayor, aldermen and commonalty of said city may from time to time

permit, subject to such prudential rules as are prescribed by this act, and as the said mayor, aldermen and commonalty, in common council convened, may prescribe.

§ 2. The president and directors of said company are here-<sup>Capital stock.</sup> by authorised to increase their capital stock to such sum as may be necessary for the purpose aforesaid, and to issue scrip therefor, but their capital stock shall not in the whole exceed the sum of five hundred thousand dollars.

§ 3. After obtaining the consent of the said mayor, alder-<sup>Rail-way.</sup> men and commonalty, the said company shall not construct any rail-way in any street of the city of New-York below Prince-street, until they shall have completed four miles of their road above said street.

§ 4. No carriage or vehicle shall be drawn or propelled by any other than horse power through any street of said city south of Fourteenth-street.<sup>Carriages, how drawn.</sup>

§ 5. Every carriage or vehicle drawn or propelled on the said rail-road, shall be provided with suitable safeguards,<sup>Safeguards.</sup> projecting in a descending direction to near the surface of the rails in front of each forward wheel, in such manner as to insure the greatest safety against accidents.

§ 6. No such carriage or vehicle shall be drawn or pro-<sup>Rate of speed.</sup> pelled at a greater speed than at the rate of five miles an hour in any street of said city, below Fourteenth-street.

## CHAP. 94.

*AN ACT to provide for opening a Road through certain Lands belonging to the School Fund, in the Counties of Clinton and Franklin.*

Passed April 7, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That there be appropriated towards the completion of a road leading from the village of Redford, in the town Saranac in the county of Clinton, westerly up the river Saranac, and intersecting the Port Kent and Hopkinton road near Loon lake in township No. 10, in the county of Franklin, the sum of three thousand dollars to be paid out of the first moneys which shall be received from the sales of lots number eleven, twenty-two, thirty-one, thirty-five, fifty-nine, seventy-two, eighty-eight and ninety, in township number four, old military tract, and which lots escheated to the state by the death of John G. Leake.

§ 2. The commissioners of the land-office, on the application of the commissioners appointed by chapter two hundred and sixty-one, session of one thousand eight hundred and thirty, for making a road from Plattsburgh to intersect the Port Kent and Hopkinton road, are hereby authorised to transfer to the said road commissioners the avails or bonds which shall be received or taken for any sales of said lots, to the amount of three thousand dollars: taking a bond from the said commissioners, with sufficient sureties, faithfully to apply the said avails or proceeds of the said bonds to the completion of said road from the Redford glass works in military township number four, in the county of Clinton, through the lands belonging to the school fund in old military townships number nine and ten, to its intersection with the Port Kent and Hopkinton road near Loon lake, in the county of Franklin.

## CHAP. 95.

*AN ACT to alter the name of the Town of Arlington, in the County of Tioga.*

Passed April 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. From and after the passage of this act the town of Arlington, in the county of Tioga, shall be known and distinguished by the name of Richford.

§ 2. This act shall take effect immediately on the passage thereof.

## CHAP. 96.

*AN ACT to incorporate the Ithaca and Geneva Rail-Road Company.*

Passed April 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation  
created.

§ 1. All such persons as shall associate together, and become subscribers to, or holders of the stock to be created by this act, are hereby constituted a body corporate and politic, by the name of "The Ithaca and Geneva Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from the termination of the Ithaca and Owego rail-road, at or near the village of Ithaca, by the most eligible



and convenient route to the village of Geneva, there to be connected with the Geneva and Canandaigua rail-road: to take, transport, carry and convey property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

§ 2. If the corporation hereby created, shall not, within Time limited. three years from the passage of this act, commence, and within five years thereafter, construct, finish, and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be eight Stock. hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

§ 4. Andrew D. W. Bruyn and Lewis Halsey, of the county of Tompkins, John De Mott, Tompkins C. Delavan, William C. Van Horn, Jonas Scely, Samuel Clark, of the county of Seneca, and Bowen Whiting and Henry Dwight, of the county of Ontario, shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the villages of Ithaca, Ovid and Geneva, or in the city of New-York, or in the city of Albany, or in each or all those places, as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days: and within ten days thereafter the said commissioners shall meet in the village of Ovid; and if more than eight hundred thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Ithaca, Ovid, Geneva, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose. Subscriptions to stock

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least Election of directors. fourteen days' notice, in one of the newspapers published in each of the counties of Ontario, Seneca and Tompkins, for a meeting of the stockholders, at such time and place in all the places where the said subscription books shall have been opened, as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by

such stockholders as shall attend for the purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

When to be  
held annually.

§ 6. The first directors to be chosen, shall hold their officers till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June in each and every year, at such time and place in the village of Ovid, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in each of the counties of Ontario, Seneca and Tompkins. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days' previous to such election: and the directors so chosen, shall elect as soon as may be, after the said first meeting and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

Election.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

By-laws.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the

said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

§ 9. The corporation is hereby empowered to purchase, receive and hold such land as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land for the purpose of said road, as shall be made to the said corporation to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the seventh circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county where the said damages are to be assessed, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-

Lands may  
be received  
and held.

chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of clerk of said vice-chancellor of the seventh circuit, the said corporation shall be possessed of all such land, and may enter upon and take possession, and use the same for the purposes of the said road.

Infants, &c.  
to be protect-  
ed.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Tolls, &c.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

Penalty

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Crossing  
roads or  
streams.

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Calls on  
stockholders.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous

payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the counties of Ontario, Seneca and Tompkins.

§ 15. The said corporation shall possess the general power, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General power.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. Rights reserved.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 97.

*AN ACT authorising the Board of Supervisors of the County of Chenango to audit certain Accounts.*

Passed April 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The board of supervisors of the county of Chenango may audit and pay such accounts as they may deem reasonable and just, of all persons engaged in the construction of the stone jail erected in said county, under the "act to provide for the erection of a new stone jail," passed April 20, 1830.

## CHAP. 98.

AN ACT to divide the Town of Elicott, in the County of Chautauque.

Passed April 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Town of Po-  
land erected.

§ 1. All that part of the town of Elicott lying east of the Holland land company's township line, between the tenth and eleventh ranges of townships, according to the maps and survey of the said company, shall constitute a new town by the name of Poland, and the first town-meeting for the choice of officers shall be held on the first Tuesday of March, eighteen hundred and thirty-three, at the house of Lewis Holbrook in said town.

Ellicott to re-  
main.

§ 2. All the remaining part of the town of Ellicott shall be and remain a separate town by the name of Ellicott, and the town-meetings therein be held the same time and places as heretofore.

Funds.

§ 3. As soon as may be after the annual town-meetings of the said towns, in the year eighteen hundred and thirty-three, the supervisors and overseers of the poor thereof shall, upon notice to be given for that purpose by either of the supervisors, meet together and apportion the poor and other monies belonging to the said town of Ellicott previous to the division thereof, agreeably to the last tax list of said town.

## CHAP. 99.

AN ACT authorising payment for certain Indian improvements.

Passed April 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be the duty of the commissioners of the land-office to cause an appraisement to be made of the improvements that were on lot number twenty-five, of the lands that were purchased from the Oneida Indians, by a treaty dated the twenty-sixth of August, one thousand eight hundred and twenty-four, as said improvements then were; and the sum at which they shall be so appraised shall be paid to such Indians as were the owners of such improvements, in the manner in which payments are by law directed to be paid for monies due

them from the state on purchases of lands from them, or their improvements on the same.

## CHAP. 100.

*AN ACT to authorise the erection of a Church on the Public Square in the Village of Geddes.*

Passed April 9, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The rector, wardens and vestrymen of the apostolic church, in the village of Geddes, may erect a church on the south side of the public square in said village, adjoining the turnpike road, as near as may be equi-distant from the east and west lines thereof, and enclose a square of sixty by ninety feet, by a fence around the building for the use of the church.

## CHAP. 101.

*AN ACT to alter the Map of the City of New-York, by laying out thereon a new Street, in the Twelfth Ward of the said City.*

Passed April 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that piece or parcel of land being seventy-five feet wide, lying in the twelfth ward of the city of New-York, and running between and parallel to the Third and Fourth avenues from the northerly line of Fourteenth-street to the northerly line of Thirtieth-street, (the easterly line or side of the said piece of land being four hundred and twenty feet distant westerly from the westerly line of the said Third avenue, and the westerly side thereof being four hundred and twenty-five feet distant easterly from the easterly line of the said Fourth avenue,) is hereby declared, for all legal purposes, to be one of the streets of the said city, in like manner as if the same had been laid out by the commissioners appointed in and by the act of the legislature, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807.

## CHAP. 102.

AN ACT relating to the Village of Kingston.

Passed April 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. That the appraisers in assessing the damages sustained by the respective owners of the lands deemed necessary by the said directors of said village to be taken and appropriated for the purposes of laying out any new street or streets, or of altering, widening, extending or continuing such as already are or hereafter may be laid out, shall and may take into consideration and make their assessment according to the advantages which may result to or be sustained by each owner of the land or improvements so taken and appropriated; and in making such assessment for any of the purposes contemplated by said acts, they shall and may assess the several persons benefitted by any such improvements, according to the advantages each may receive or derive therefrom.

§ 2. All such real and personal estate within the bounds of said village liable to be assessed for state and county taxes, shall be liable to be assessed for the taxes hereafter to be raised in said village. The collector of the said village shall have the same power and authority, and be liable to the same restrictions and liabilities as the collectors of towns.

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CHAP. 103.

AN ACT authorising the appointment of a Supreme Court Commissioner, to reside in the Town of Geneseo, in the County of Livingston.

Passed April 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. There shall be appointed in the manner now prescribed by law, a supreme court commissioner, who shall reside in the town of Geneseo, in the county of Livingston, and who shall possess the powers of a supreme court commissioner, as defined and limited in the second article of the second title of the third chapter of the third part of the Revised Statutes.

§ 2. This act shall be in force from the passage thereof.



## CHAP. 104.

## AN ACT to incorporate the Buffalo Marine Hospital.

Passed April 10, 1833.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Josiah Trowbridge, John E. Marshall and Henry R. Stagg, of Buffalo, in the county of Erie, and their associates, are hereby constituted a body corporate, by the name of "The Buffalo Marine Hospital." Corporation created.

§ 2. The capital stock of the corporation shall be twenty-five thousand dollars, to be divided into one thousand shares of twenty-five dollars each. Stock.

§ 3. Charles Townsend, Heman B. Potter and Henry R. Seymour, of Buffalo aforesaid shall be commissioners to receive subscriptions to the capital stock of said corporation, and they or a majority of them, shall within six months after this act shall take effect as a law, on giving at least two weeks notice of the time and place by advertisement in one of the newspapers printed in the village of Buffalo, open books for receiving such subscriptions, and continue them open for such time and at such places in said village as they shall judge best, until the whole capital stock shall be subscribed, and no longer ; but the commissioners shall not receive any such subscription unless the sum of one dollar and fifty cents on each share subscribed shall be paid to them at the time of making said subscription. Subscriptions to stock.

§ 4. The corporate powers of said corporation are hereby vested in five trustees, to be annually elected by the stockholders of said corporation from among their own number, a majority of whom when duly convened, shall constitute a board for the transaction of all corporate business. Trustees

§ 5. When the capital stock of said corporation shall be subscribed, it shall be the duty of said commissioners, or a majority of them, to appoint a time and place within the village of Buffalo for the first election of trustees of said corporation, and give at least two weeks' notice of the time and place of holding such election, by advertisement in one of the newspapers printed in said village, and to preside at such election and certify the result. When and how to be elected.

§ 6. At all elections of trustees each stockholder shall be entitled to one vote on each share of stock owned and held by him, and the five persons, being stockholders of said corporation, having the highest number of votes, shall be declared duly elected ; and every person elected a trustee of said corpora- Votes

tion, shall hold his office for one year, and until another shall be elected in his place.

Annual election.

§ 7. The board of trustees first elected under this act shall fix upon the time for holding the annual election of trustees, and shall hold their offices until that time, but the same shall not extend beyond eighteen months from the time of their election; and the trustees for the time being intermediate the annual elections, may fill any vacancies in their own body, for the remainder of the term within which such vacancies may occur, and shall preside at the election and certify the result.

President.

§ 8. The trustees, as soon as may be after any election, shall appoint one of their number president, and in case of his absence at any regular meeting of the board of trustees, they may appoint a president pro tem.

Hospital.

§ 9. This corporation is hereby declared to be created for the purpose of establishing and maintaining on such part of block number eleven, in the south village of Black Rock, in the county of Erie, as they shall judge best, a marine hospital, for the reception of all sick or disabled seamen, sailors or persons engaged in navigating the lakes or canals of this state, or other invalids; and for that purpose, in addition to the powers conferred upon corporations by title third, chapter eighteenth, and first part of the Revised Statutes, this corporation shall have power:

1. To erect all necessary buildings, and furnish the same with every thing necessary or convenient for the purposes aforesaid.

2. To ask, demand and receive such compensation as they may be justly entitled to, for the nursing, care and attendance, and medical or surgical aid, rendered or bestowed upon any person admitted to said hospital; and

3. To prescribe the rules and regulations by which the same shall be governed.

Title to lot at Black Rock.

§ 10. The title to said piece of land heretofore purchased of the people of this state by the said Josiah Trowbridge, John E. Marshall and Henry R. Stagg, under the act entitled "An act to authorise the commissioners of the land-office to sell a lot of land to Josiah Trowbridge, Henry R. Stagg and John E. Marshall," passed April 21st, 1828, shall become and be vested in said corporation, whenever the said corporation shall reimburse to the said Josiah Trowbridge, John E. Marshall and Henry R. Stagg, the purchase money paid by them respectively for said lot, and interest thereon, and also such sums as they or either of them may have disbursed in proceeding and perfecting their title to said lot.

Calls on stockholders.

§ 11. In addition to the remedy by action to compel any delinquent subscriber or holder of said stock to pay the amount

due thereon, or such part thereof as shall at any time be required by said corporation to be paid, the said board of trustees are hereby authorised to require the payment of the same, or any part thereof, at such time and place as they shall judge best; and on giving sixty days' notice of such requirement, by advertisement in one of the newspapers printed in said village of Buffalo, if the same shall not be paid, to declare the said stock holden by such delinquent, and all previous payments thereon, to be forfeited to said corporation, and the same shall be forfeited accordingly.

§ 12. The corporation hereby created, shall possess the <sup>General powers.</sup> powers, and be subject to the provisions and restrictions contained in the said third title, eighteenth chapter and first part of said Revised Statutes.

§ 13. The legislature may at any time alter, modify or re- <sup>Rights reserved.</sup>peal this act.

## CHAP. 105.

*AN ACT to locate the Office of Surrogate, in the County of Westchester.*

Passed April 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. From and after the tenth day of May next the surrogate's office, for the county of Westchester, shall be kept in the fire proof building, situate in the town of White-Plains, in said county, in which the office of clerk of said county is now kept.

## CHAP. 106.

*AN ACT to confirm the classification of Justices of the Peace of the Town of Farmersville, in the County of Cattaraugus.*

Passed April 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The classification of justices of the peace of the town of Farmersville, as the same was made on the twenty-third day of March one thousand eight hundred and thirty-two, is hereby confirmed and declared as valid as the same would have been

if the said classification had been made within the time required by law.

§ 2. This act shall take effect immediately after its passage.

## CHAP. 107.

AN ACT to amend Article second, Title first of the sixteenth Chapter, part first, of the Revised Statutes, entitled "*Of the Persons liable to work on Highways, and the making assessments therefor.*"

Passed April 10, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Non-residents.

§ 1. Lands of non-residents within any town, occupied and improved by the owner or owners, or his or their servants or agents, shall be liable to the same assessments for highways as if the owner or owners were residents.

Re-assessment in case of neglect.

§ 2. Whenever it shall appear, from the annual return of any overseer of highways, made in pursuance of the fifty-first section of the sixteenth chapter of title first of the first part of the Revised Statutes, that any person who was assessed to work on the highways, (other than non-residents,) has neglected to work the whole number of days to him assessed, and has not commuted for, or otherwise satisfied such deficiency, then it shall be the duty of the commissioners of highways to re-assess such deficiency to the person so delinquent, at the next assessment of work for highway purposes, and to add to it his annual assessment.

Overseer.

§ 3. Such re-assessment shall not exonerate any overseer of highways from any penalty which he may have incurred under the sixteenth section of the last aforesaid chapter.

## CHAP. 108.

AN ACT to vest the Title of certain Real Estate in the Heirs and Devisees of Joseph Braginton.

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The heirs and devisees of Joseph Braginton, late of the town of Seneca Falls, an alien, deceased, may take and hold the real property of the said deceased, under the will of

the said Joseph Bragington, in the same manner as if he and they had been citizens of the United States at the time of his death, they taking the same subject to the payment of all his debts, to be enforced as against other heirs and devisees; and subject also to the payment of legacies, if any are charged thereon by said last will and testament.

## CHAP. 109.

### AN ACT *relative to the Oath of Justices of the Peace.*

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The oath of office of justices of the peace shall be taken before the clerk of the county for which they may have been elected or appointed, at any time after election or appointment, and before the fifteenth day of January next succeeding.

*Oath when to be taken.*

§ 2. It is hereby made the duty of the clerks of counties to make a report to the district attorney of their respective counties of all omissions, by any town officers, to make and transmit any returns or certificates which by law they are required to make to such clerk, and the said district attorney shall forthwith proceed to enforce the penalty by law imposed upon such delinquent officer.

*Clerk to report to district attorney.*

§ 3. All proceedings which have been had before any person heretofore duly elected a justice of the peace, in and for either of the counties of this state, who may have taken the oath of office before any officer not authorised by law to administer such oath, or shall have neglected to take such oath within the time required by law, shall be held and adjudged to be of the same force, effect and validity as if such oath had been taken pursuant to the constitution and laws of this state, and all liabilities and forfeitures incurred by any such justice for not having taken such oath within the time and before an officer authorised to administer the same, are hereby remitted.

*Saving clause.*

§ 4. Any person who shall have been duly elected a justice of the peace at an annual town-meeting in the year one thousand eight hundred and thirty-one, and who is eligible to the office, and who shall have taken the oath of office before the proper officer at any time after his election, and previous to fifteen days after the first day of January last, shall be deemed to have taken the oath within the time prescribed by law, and the same is hereby declared to be valid and effectual.

*Justices elected in 1831.*

§ 5. This act shall take effect immediately after the passage thereof.

*Act to take effect.*

## CHAP. 110.

AN ACT to repeal an Act concerning a Road in the County of Delaware.

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act concerning a road in the county of Delaware," passed April 20th, 1830, is hereby repealed.

## CHAP. 111.

AN ACT to amend an Act entitled "An act to incorporate the Hallett's Cove Rail-Way," passed April 15, 1828.

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**Capital stock** § 1. The Hallett's Cove rail-way company are hereby authorised to increase their capital to a sum not exceeding one hundred and fifty thousand dollars.

**Canal.** § 2. The said company shall have power, and are hereby authorised to dig and construct a canal, with the necessary tow-paths, from a convenient spot in Hallett's Cove across the land to the East river, so as to enable vessels to reach the rail-way without passing through Hurlgate ; but the said corporation shall not have power to take any land for the purposes in this act contemplated without the consent of the owner thereof.

**Pilotage.** § 3. Nothing contained in this act shall exempt vessels passing through said canal from the operation of the law passed February 19th, 1819, relating to the pilots of the East river, Hurlgate and Long Island Sound.

**Dimensions of canal.** § 4. The dimensions of the canal hereby authorised to be constructed shall be eighty-two feet wide between the banks, and eighteen feet deep at high water.

**Time limited** If the Hallett's Cove rail-way company shall not within five years construct the canal mentioned in this act, then the right to construct the same, hereby granted, shall cease.

## CHAP. 112.

**AN ACT** *authorising the Board of Supervisors of the County of Washington and the Trustees of the Village of Whitehall, to raise certain Monies to defray the expenses of rebuilding Bridges in the Village of Whitehall.*

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall and may be lawful for the board of supervisors of the county of Washington, and they are required, at their annual meetings, to raise by tax, to be levied on all the taxable property of the town of Whitehall, in said county, in the same manner as other town charges are raised and levied, the sum of eight hundred dollars, to be paid to the commissioners of highways of said town, for defraying the expense of building the two bridges over Wood creek, in the village of Whitehall. \$800 to be raised by tax.

§ 2. It shall and may be lawful for the trustees of the village of Whitehall, and they are required to raise by tax to be levied on all the taxable property of the village of Whitehall, in said county, in the same manner that other village expenses are raised and levied, the sum of four hundred dollars, to be paid to the said trustees for the like purpose mentioned in the first section of this act. \$400 ditto.

§ 3. The several sums of money mentioned in the two preceding sections, shall be raised by the supervisors and trustees aforesaid, in two equal portions, one portion thereof to be levied during the present year, and the other during the year eighteen hundred and thirty-three. In two equal portions.

§ 4. The commissioners of highways and the trustees aforesaid, shall form one board for the building and erecting of said bridges. Bridges.

## CHAP. 113.

**AN ACT** *relating to the Inspection of Sole Leather, in the Counties of Ontario, Genesee and Erie.*

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. No manufacturer of, or dealer in sole leather, in the counties of Ontario, Genesee and Erie, shall hereafter be re-

quired to have any sole leather, owned or manufactured by him, inspected previous to a sale; and so much of article ninth, of the second title, of the seventeenth chapter, of the first part of the Revised Statutes, as is inconsistent with the provisions of this act, is hereby repealed.

## CHAP. 114.

### AN ACT directing the printing and distribution of the Poor Laws.

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Number to  
be printed.

§ 1. The state printer shall publish, in pamphlet form, and under the direction of the secretary of state, so many copies of the first six titles of chapter twenty, of the first part of the Revised Statutes, and such subsequent acts as relate to the support and management of the poor as shall supply one copy each to the several officers in this state who are directly connected with the support and management of the poor, and to each of the members and officers of the legislature.

Exposition  
and forms.

§ 2. The secretary of state shall prepare an exposition of the said titles, accompanied with suitable forms, and cause them to be published as an appendix to the said pamphlet.

To be sent to  
county clerks.

§ 3. The secretary of state shall transmit to the clerk of each county of this state a number of copies of the said pamphlet equal to ten times the number of towns in such county, and the clerk, after distributing one copy each to the superintendents of the poor of such county, shall transmit to each town clerk in such county eight copies, and such town clerk shall distribute one copy each to the supervisor or the town clerk, the overseers of the poor and the justices of the peace.

Duty of off-  
cers.

§ 4. The several officers receiving copies of the said pamphlet shall deliver them to their successors in office.

Expense.

§ 5. The treasurer shall pay, on the warrant of the comptroller, the expense of carrying into effect the provisions of this act.



## CHAP. 115.

*AN ACT granting authority to Hugh Laing to erect and maintain a Dock or Wharf, at Old Ferry Point, in the Town and County of Westchester.*

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for Hugh Laing, of the town of Westchester, in the county of Westchester, his heirs and assigns, to erect and maintain a dock or wharf, adjacent to his land in said town lying on the East river, at the place known as Old Ferry Point, and extending into said river not exceeding one hundred and thirty feet from high water mark and not exceeding thirty feet in width, and to receive reasonable wharfage and dockage, from persons using the same: but the legislature may, at any time hereafter, regulate the rates of wharfage and dockage to be received by said Laing, in such manner as shall be deemed just and reasonable.

§ 2. The legislature may at any time alter, modify or repeal this act.

## CHAP. 116.

*AN ACT to incorporate the Niagara River Hydraulic Company.*

Passed April 11, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That Ogden Edwards, Henry F. Penfield, Gideon Lee, James Campbell, Isaac Bronson, Stephen Whitney, Isaac Pierson, Daniel Penfield, Samuel F. Gilston, Elisha Tibbitts, William P. Hallett, Junius H. Hatch, and William S. Johnson, and such other persons as may be hereafter associated with them for hydraulic and manufacturing purposes, as is hereinafter stated, shall be and hereby are constituted and declared to be a body corporate and politic, in fact and in name, by the style of the "Niagara River Hydraulic Company." And that the said corporation, by the same name and style, shall be in law capable of purchasing, holding, leasing, and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That the real estate or their interest therein, shall be confined to Squaw island, at the junc-

Corporation created.

Name and powers.

tion of the Erie canal with the Niagara river, and the hereditaments and appurtenances thereto belonging and appertaining, and the land under water within five hundred feet of the same, and the buildings, erections and improvements which may be placed thereon, or such as may be bona fide mortgaged to it by way of security for sales, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgments or decrees which shall have been obtained for such debts, or sales made by virtue of any mortgage given to said corporation for the purposes aforesaid. It shall and may be lawful for the said corporation to make, erect or build upon the said island all such race-ways, docks, buildings, erections or improvements as may be necessary for hydraulic, manufacturing or commercial purposes, and to sell, lease or use the same, and also to make loans for the purpose of enabling any person or persons to erect manufactories or other buildings or improvements upon the said premises, or to carry on manufacturing business upon the same. The stock, property and affairs of the said company shall be managed and conducted by thirteen directors, who shall be elected on the third Monday of July in every year; two weeks notice of the time and place of holding elections shall be given in one or more newspapers printed in the county of Erie, and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy; and the directors so chosen shall, as soon as may be after every annual election, elect by ballot one of their number to be their president, which president and directors shall continue in office one year and until others shall be chosen to fill their places; and a majority of the directors for the time shall form a board for the transaction of business; and if any vacancy shall at any time happen of the president or directors, the remaining directors shall supply such vacancy for the remainder of the term; and in case of the absence of the president, the board shall have power to appoint a president pro tempore. The above named persons shall be the first directors, who may severally hold their offices until the third Monday in July, one thousand eight hundred and thirty-three, and until others are chosen in their places, and shall elect one of their body president. In case it should at any time happen that an election of directors should not be made on the day required by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold an election of directors on such other day and in such other manner as may be regulated by the by-laws of the corporation. The capital stock of the said company shall not exceed one hundred and fifty-thousand dollars, and each share therein shall be one hundred dollars; which shares shall be transferrable accord-

ing to such rules and subject to such restrictions as the board of directors shall from time to time make and establish, and they shall be considered as personal property; and it shall be lawful for the president and directors of the said corporation to call for and demand of the said stockholders respectively the amount of each share by them subscribed towards the said capital stock, at such times and in such manner and proportions as they shall see fit; and in case of default in the payment of any sum so called for and demanded, for the space of ninety days after notice of such call or demand, to forfeit to the corporation the shares of the person making default, and all previous payments thereon. In addition to the powers herein before enumerated, the corporation hereby created shall have and possess all the powers and privileges, and be subject to all the liabilities, contained in title third of the eighteenth chapter of the first part of the Revised Statutes.

§ 2. This act shall commence and take effect from and immediately after the passage thereof, and may be altered, suspended or repealed, in the discretion of the legislature. When to take effect.

## CHAP. 117.

AN ACT *altering the Charter of the Clinton Woollen Manufacturing Society.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The meetings of the stockholders and directors of the Clinton Woollen Manufacturing Society, may be in Utica or elsewhere in the county of Oneida.

§ 2. The legislature may at any time alter, modify or repeal this act.

CHAP. 118.

AN ACT *relative to the Loans of one thousand seven hundred and eighty-six, one thousand seven hundred and ninety-two, and one thousand eight hundred and eight.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 46 applic-  
ble to com-  
missioners of  
loans.

§ 1. Section forty-six of title two, chapter twelve, of the first part of the Revised Statutes, shall be so construed as to apply to the commissioners of loans, and to the loan of one thousand eight hundred and eight, and not to the loan officers, nor to the loans of one thousand seven hundred and eighty-six and one thousand seven hundred and ninety-two.

§ 47 extend-  
ed.

§ 2. Section forty-seven of title two, of chapter twelve, of the first part of the Revised Statutes, shall be and hereby is extended so as to embrace cases of the description provided for by said section, which happened before the passage of that provision, as well as to those cases happening after the said section became a law.

Comptroller-  
to credit com-  
missioners in  
certain cases.

§ 3. Whenever it shall be satisfactorily shown to the comptroller, by regularly authenticated transcripts from the records of the clerk's office of a county, or from the office of a clerk of a court of record, that in consequence of liens, prior to the mortgage taken by the commissioners of loans, and the proceedings under such liens, all claim to the mortgaged premises by virtue of the mortgage held by the commissioners is gone or of no avail, and the interest is not paid : and shall be further shown to the satisfaction of the comptroller, that nothing can be recovered upon the covenants in the mortgage, or the other security collateral thereto, and that the commissioners who demand the credit have not been guilty of any negligence or official misconduct in the taking of the mortgage, or in their attention to the same, the comptroller shall credit to the said commissioners the amount of principal and interest due upon such mortgage, together with the necessary disbursements in procuring the evidence to entitle them to the credit, without compelling the commissioners to go through the forms of a foreclosure of such mortgage ; but this credit shall in no wise discharge any other than the existing commissioners from any liability whatever.

In case of  
failure of li-  
ties.

§ 4. In case the title of lands sold by the commissioners of loans upon the foreclosure of a mortgage, and by the purchaser again mortgaged to secure the principal due on the original mortgage shall fail, and the second mortgagor shall, for that cause, decline to make payment of interest or principal, the

comptroller shall, upon satisfactory evidence thereof, and upon their release to the state in the usual manner, and upon satisfactory evidence that no negligence or fault is imputable to the existing commissioners, pass to their credit the amount of principal and interest due upon such mortgage, and if foreclosed, also the proper costs of the foreclosure of the same, and discharge the last mortgagor from the same; but the credit shall not discharge any other persons from any liability therein.

§ 5. Whenever differences or difficulties shall exist in the settlement of accounts between the comptroller and any loan-officer or commissioner of loans, and it is deemed by the comptroller necessary, he shall summon the loan officers or the commissioners of loans, to attend at his office, with their books of minutes and of mortgages, and all other of their papers and books which may be requisite, within a reasonable time, to the end that the accounts may be reconciled and settled, by a comparison between them, and the deficiency, if any, known and collected. If any such loan officer or commissioner shall refuse or neglect to appear, the comptroller shall report him or them to the governor, and to the supervisors of their respective counties. The necessary disbursements of the journey of the officers shall be audited by the comptroller, and credited to them, upon the interest account of the loan in their charge; unless the comptroller shall be satisfied from an investigation therein, that their conduct has been culpable.

§ 6. The loan officers in the several counties under the loans of one thousand seven hundred and eighty-six, and one thousand seven hundred and ninety-two, shall, on or before the first Tuesday of May next, transfer all the books and minutes, and other papers remaining in their hands relating to said loans, to the commissioners of loans for their respective counties, if any such exist in their county, who shall ex officio be the loan officers under said acts, and shall possess the same powers, and be liable to the same duties, penalties and provisions, and shall give the like bail, that the said loan officers were liable to by the said acts respectively; and shall receive the same per cent compensation for their services, which the said commissioners, under the act of one thousand eight hundred and eight, in relation to that loan, are entitled to, and no more; and the loan officers in those counties where there are no commissioners, shall hereafter receive the same compensation, and no more, that the commissioners receive under the act aforesaid.

§ 7. The loan of one thousand seven hundred and eighty-six shall be collected and paid into the treasury on or before the first day of December next, and the accounts relative

thereto be examined, liquidated and closed by the comptroller.

Liability of  
counties.

§ 8. Nothing in this act shall exempt any of the several counties from any liability which they are or may be under to the state under the loans of one thousand seven hundred and eighty-six, and one thousand seven hundred and ninety-two; but these liabilities, in all respects, shall be the same as they were under the said original acts, except where a default may hereafter exist in the commissioners themselves, or either of them, in relation thereto; in that case alone shall the county be discharged from liability under the provisions of said act.

In case of the  
division of  
counties.

§ 9. Whenever any county in which loans may have been made, pursuant to either of these acts authorising loans of moneys to the citizens of this state, shall have been divided since the passing of the act under which such loans were made, and whenever in such case it shall be necessary for the commissioners of loans, in any one year, for default in the payment of principal or interest of any such loans, to sell lands in two counties, it shall be lawful for one of the commissioners of loans, under whose care any mortgage given for such loan may be, to attend at, and conduct the sale of the mortgaged premises; and such sale so conducted shall be valid and effectual as if made by both of said commissioners.

## CHAP. 119.

*AN ACT to amend an act, entitled, "An act to extend, for a limited period, the Charter, and to increase the Capital Stock, of the Canajoharie and Palatine Bridge Company," passed April 25, 1831, and for other purposes.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Time extend-  
ed.

§ 1. As often as it shall become necessary, from time to time, to rebuild the Canajoharie and Palatine bridge, the directors shall be allowed the period of three months to complete the same, any thing in the original act of incorporation to the contrary notwithstanding.

Votes by  
proxy.

§ 2. Stockholders resident more than ten miles distant from the place appointed for holding elections for the choice of directors of the said company, shall be entitled to vote at such elections by proxy.

Stock.

§ 3. Whenever the directors of the said company shall at any time determine that it is necessary to rebuild the said

bridge, and they shall not have sufficient funds for that purpose, they may open books of subscription for new stock in addition to the capital stock of the said company, to make up the deficiency, and may receive subscriptions to such new stock for not more than four hundred additional shares, at six dollars a share, of which ten per cent shall be paid at the time of subscribing; which shares the then existing stockholders shall be entitled to subscribe for, and which shall be distributed among the stockholders so subscribing in proportion to the number of shares held by them respectively, as nearly as may be; and if the whole number of shares for which the said directors shall determine to receive subscriptions shall not be taken by such stockholders, the shares not so taken may be subscribed for by other persons.

§ 4. The second section of the act of April twenty-five, <sup>Repeal.</sup> one thousand eight hundred and thirty-one, entitled "An act to extend for a limited period the charter, and to increase the capital stock of the Canajoharie and Palatine Bridge Company," shall be, and the same is hereby repealed.

## CHAP. 120.

*AN ACT to amend "An Act for the better security of Mechanics and others, erecting Buildings in the City and County of New-York."*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All the provisions of the act hereby amended, shall apply to the materials furnished and used in the performance of any work by every mechanic and workman towards the erection or finish of any building in the city of New-York, which shall be erected under the provisions of said act, as well as to the work done and performed towards such erection or finish by such mechanic or workman; and the same proceedings shall be had on the account duly attested, of such mechanic or workman for work and materials furnished, and the same liabilities incurred by, and enforced against, the contractor or owner of such building, or other person, as those provided by the act hereby amended, for work and labor performed.

§ 2. The provisions of the said act shall also apply to verbal or parole contracts or agreements, as well as to contracts in writing.

§ 3. This act shall take effect immediately on the passage thereof.

**CHAP. 121.**

**AN ACT** *for the relief of the Heirs of Thomas Smith, deceased.*

Passed April 13, 1831.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That all the estate, right, title and interest of the people of the state of New-York, of, in and to a certain lot of ground, known on a partition made by John and Jacob Van Woert, as lot number ten, and situate on the north side of Van Woert-street, with the dwelling-houses thereon erected, in the fifth ward of the city of Albany, whereof Thomas Smith, late of the said city of Albany, died seised and possessed, is declared to be vested in Thomas Smith, the son and heir of the said Thomas Smith, deceased; subject to the dower of Hannah Straw, widow of the said Thomas Smith, deceased, and subject to all liens created by mortgages, judgments, or otherwise, and all other legal claims against the said Thomas Smith, in the same manner and like order as if, at the time of the contracting such debts and giving such mortgages or judgments, the said Thomas Smith had been legally entitled to hold real estate, pursuant to the laws of this state.

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**CHAP. 122.**

**AN ACT** *providing for certain expenditures by the County of Richmond.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The health commissioners are hereby directed to pay to the supervisors of the county of Richmond, out of the Marine Hospital fund, such sum as shall appear, upon the attestation under oath of the clerk of said county, to have been expended by said county, for the confinement, maintenance, trial and other charges, on account of Barney Stingcomb, and other persons, who were, at the time of their arrest, in the service of the United States; which sum shall, by said supervisors, be applied to the payment of the debt they owe for the poor-house farm.



## CHAP. 123.

## AN ACT to incorporate the Trustees of the Genesee Manual Labor Seminary.

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Harvey Putnam, Gilbert Crawford, Calvin Wells, Martin O. Coe, John Munger, Amos Kingsley, Russell Whitney, Richard Peck, Moses Ordway and Ethan B. Allen, are hereby declared a body corporate, for the promotion of literature and improvement in education, by the name of "The Trustees of the Genesee Manual Labor Seminary," whose operations shall be carried on in the town of Bethany, in the county of Genesee.

§ 2. The capital stock of said corporation shall be nine thousand dollars, with liberty to increase the same to any amount not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation.

§ 3. All persons who have already subscribed and paid, or who may hereafter subscribe and pay, to an amount not less than twenty-five dollars each, towards the erection, finishing and subsequent enlargement or other improvement of the school-house, work-shops and farm called the Genesee manual labor seminary, shall be stockholders in said corporation, and shall be entitled to one share of stock for every twenty-five dollars so subscribed and paid.

§ 4. The trustees of said association may take, hold and convey real estate, and all necessary goods, chattels, library, cabinet and apparatus, necessary for attaining the objects and carrying into effect the purposes of said corporation, to an amount not exceeding twenty thousand dollars.

§ 5. When any of the shares of said stock shall have been transferred, either by operation of law or otherwise, the assignee shall be entitled to all the privileges of an original subscriber or stockholder.

§ 6. The stockholders, by a majority of two-thirds of all the votes, may at any time increase the capital stock of the said corporation, to an amount not exceeding twenty thousand dollars in the whole.

§ 7. The persons named in the first section of this act shall be the first trustees, and shall hold their offices until the first Tuesday of August next.

To be chosen  
annually.

§ 8. The said trustees shall be elected or chosen annually, by the stockholders, on the first Tuesday in August in each and every year. Each stockholder shall be entitled to one vote for each share of stock owned by him.

Election.

§ 9. In case the stockholders shall neglect or omit to choose trustees at any time hereafter, on the day by this act appointed for that purpose, the said corporation shall not be thereby dissolved; but, in such case, the trustees then in office shall hold over until others are elected in their places, in such manner as shall be provided in the by-laws of said corporation.

Officers.

§ 10. The trustees may choose, from their number, a president, treasurer and secretary.

Vacancies.

§ 11. Whenever a vacancy shall happen in the full number of trustees of said association, by the death, resignation or refusal to serve, of any trustee, the said trustees, at one of their legal meetings, may elect a fit person, being a stockholder, to fill such vacancy.

General provisions.

§ 12. This act shall be subject to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes; and the legislature may at any time alter, modify or repeal the same.

## CHAP. 124.

### AN ACT to incorporate the Great Falls Manufacturing Company.

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Edward Clark, Augustus Greele, Daniel Elliott, Elbridge Maltby, Montgomery Rankin, Caleb Stone, and such others as may hereafter be associated with them for the purpose of improving the water power at or near the Great Falls, in the Esopus river, commonly called Whitaker's Falls, in the town of Saugerties, in the county of Ulster, for establishing manufactories of cotton and woollen goods, and such other branches of manufactures as are enumerated in the act entitled "An Act relative to incorporations for manufacturing purposes," passed March 22d, 1811, and for either improving the navigation of the said Esopus river from near the toll-bridge of Henry Barclay, in the village of Ulster, upwards to said falls, and constructing a rail-road from near said bridge to sloop navigation, or constructing a rail-road as they may find most convenient and proper between the said falls and navigable tide water, shall be, and are hereby constituted a body cor-

porate, in fact and in name, by the style of the Great Falls Manufacturing Company, and by that name they and their successors and assigns shall and may have succession for thirty years: *Provided*, That the consent of the owners of the lands through which it may be deemed necessary to pass said improvements or rail-road, shall be first had and obtained.

§ 2. The stock, property, affairs and concerns of the said corporation shall be managed by five directors, who shall be stockholders, and shall be elected on the second Wednesday in May in each and every year, and all such elections shall be made by ballot, by plurality of the votes of the stockholders, each share to have one vote, and stockholders not personally attending may vote by proxy; and the directors so appointed shall, as soon as may be after their election, choose by ballot one of their number to be their president, which president and directors shall continue in office one year, and until others shall be chosen to fill their places; and a majority of the directors for the time shall form a board for the transaction of business; and if any vacancy or vacancies shall at any time happen of the president or directors, the remaining directors shall supply such vacancy or vacancies for the remainder of the year; they shall also have power to appoint a president pro tempore in case of the absence of such officer. Directors

§ 3. The first directors shall be Edward Clark, Augustus Greele, Daniel Elliott, Elbridge Maltby, and Montgomery Rankin, who shall elect one of their number to be their president, and shall severally hold their offices until the second Wednesday in May, one thousand eight hundred and thirty-three. First directors

§ 4. In case it should at any time happen that an election of directors should not be made on the day required by this act, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold an election of directors on such other day and in such other manner, as may be regulated by the stockholders, or by the by-laws of the corporation. Election.

§ 5. The capital stock of said company shall not exceed two hundred thousand dollars, and each share therein shall be one hundred dollars; which shares shall be subscribed for and be transferrable according to such regulations and restrictions as the board of directors shall establish for the purpose, and they shall be considered as personal property; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders respectively the amount of each share by them subscribed towards the said capital stock, at such times and in such manner and proportions as they shall see fit; and in case of default in the pay- Stock.

ment in any sum so called for and demanded, for the space of sixty days after notice of such call or demand, to forfeit to the corporation the shares of the person making default and all previous payments thereon.

General powers.

§ 6. In addition to the powers herein before enumerated, the corporation hereby created shall have and possess all the powers and privileges, and be subject to all the liabilities contained in title third of chapter eighteenth of the first part of the Revised Statutes.

Rights reserved.

§ 7. The legislature may at any time alter, modify or repeal this act.

## CHAP. 125.

*AN ACT authorising the Trustees of the Village of Canandaigua to organize a Hook and Ladder Company.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The trustees of the village of Canandaigua are hereby authorised to organize a hook ladder company, of not more than twenty members, who shall be appointed by the president of said village, and who shall be entitled to the same privileges and subject to the same liabilities as the firemen thereof.

## CHAP. 126.

*AN ACT to appoint Commissioners to lay out a Road from the Village of Frankfort, in the County of Herkimer, to West Winfield in the same County.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Commissioners.

§ 1. Abijah Beckwith, of the town of Columbia, Henry Ellison, of the town of Herkimer, and John Goo, of the town of Schuyler, or any two of them, are hereby appointed commissioners to lay out a public highway of the width of four rods, from the village of Frankfort in the county of Herkimer, through the town of Litchfield ; thence to West Winfield in the town of Winfield, in the said county of Herkimer, on the most eligible and direct route.

§ 2. The said commissioners, before they enter upon the duties aforesaid, shall take and subscribe the oath prescribed by the constitution of this state, before a justice of the peace; and after laying out the same, shall cause an accurate description from actual survey, by courses and distances, of so much thereof as shall be in each and every town, to be drawn up, which they shall subscribe, and file in the office of the town in which such point of the said road shall lie, whose duty shall be to record the same in like manner as he is by law required to record the orders of highway commissioners in laying out public highways. To take an oath.

§ 3. The damages sustained by any owner or occupant of Damages. of inclosed, improved or cultivated land through which such highway shall pass, shall be ascertained, levied and paid, and the said road shall be districted, opened and improved, in the manner prescribed in title first of the sixteenth chapter of the first part of the Revised Statutes.

§ 4. Said commissioners shall be allowed two dollars per day for every day actually employed in the performance of the duties aforesaid, besides the necessary charges of a surveyor and chain bearer, which said allowance and expenses shall be apportioned upon the several towns through which said highway shall pass in proportion to the length of the highway in each town, to be levied and collected as other contingent charges of such towns are by law directed to be levied and collected. Pay of commissioners.

§ 5. If either of said commissioners shall die, or neglect or refuse to perform the duties aforesaid, it shall and may be lawful for the first judge of the court of common pleas of the said county of Herkimer, to appoint from time to time, as often as may be necessary, some fit and proper person in his or their place, who shall have the same powers, take the same oath, and perform the same duties, and receive the like compensation as the commissioners above named. Vacancies.

## CHAP. 127.

*AN ACT authorising the Trustees of Fort Covington Academy to erect an Edifice on the Public Square, in the Village of Fort Covington, and for other purposes.*

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall and may be lawful for the trustees of Fort Covington academy to erect on the south side of the public Building may be erected.

square in the village of Fort Covington, a suitable building for the use of their academy, and use and occupy the same during the pleasure of the legislature.

**Location.** § 2. The said building shall be located within twenty-five feet of the south line of said public square, and the trustees of said academy are authorised to inclose so much of said public square as a court yard for the use of said academy, as they may deem proper and necessary, provided that such inclosure does not include more than two hundred feet square of said land.

**Residue of public square.** § 3. It shall not be lawful for said trustees so to obstruct or occupy the residue of the said public square as to interfere with the military parades or other public objects for which the square may be wanted.

**Trustees of public square.** § 4. The trustees of Fort Covington academy are hereby appointed trustees of the said public square and the other public land reserved within the bounds of the village of Fort Covington, to hold the said lands as tenants at will.

**Other public lands.** § 5. It shall be the duty of the said trustees to take possession of the said public lands and preserve the same from unlawful intrusions; and also keep open as a watering place for the common use of the inhabitants of said village, lots number twenty-six, twenty-seven and twenty-eight, on the east side of Salmon river.

**Rights reserved.** § 6. The legislature may at any time repeal, alter or modify this act.

## CHAP. 128.

AN ACT relating to the Supreme and Circuit Courts.

Passed April 13, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

**Proceedings on bill of exceptions and demurrer in any personal action.** § 1. Where, in any personal action, any bill of exceptions shall be taken, demurrer to evidence put in, case made, or notice of motion given for new trial on newly discovered evidence, and the proceedings shall not be stayed, the party in whose favor the verdict is rendered, may perfect his judgment and issue execution; but it shall nevertheless be lawful for the other party to proceed to obtain a hearing before the supreme court upon the matters in question, in the manner hereinafter mentioned; and in case their judgment shall be in his favor, they may set aside the proceedings with the verdict, and order restitution, which may be enforced by such writs of restitution as are used

in cases of reversal in error, or by motion and attachment, according to the practice of the court in cases of attachment.

§ 2. The cases mentioned in the first section of this act, shall in the first instance be heard and decided by the circuit judge of the circuit in which the cause was tried, or by such other circuit judge as shall hold the courts mentioned in the fifth section of this act. Hearing before circuit judge.

§ 3. Upon such hearing, the circuit judge who holds said court, shall have and exercise the same power in the cases mentioned in the first section, as is now possessed by the justices of the supreme court. His powers in such cases.

§ 4. In the cases herein before mentioned, either party may bring the cause to a hearing thereon before the supreme court, by appeal, after the circuit judge shall have decided the same; but no such cause shall be so brought before the supreme court for hearing, unless a bond, with sufficient sureties, to be approved by the circuit judge, or the first judge of the county in which the venue is laid, whose approval shall be endorsed thereon, shall be executed to the other party, in the manner and of the effect mentioned in the seventh section of this act, or unless he obtain an order from the said circuit judge, or one of the justices of the supreme court, staying the proceedings in the suit. Hearing before supreme court on appeal.

§ 5. Every circuit judge shall hold a court once at least every three months, for hearing arguments of the matters hereby committed to his decision, at such times and places within his circuit as he shall appoint; notice of which shall be given by the circuit judge, as is by law required in relation to chancery courts in the several circuits. Circuit judge to hold court every three months.

§ 6. The circuit judges shall be allowed the following fees for their services under this act: Fees of circuit judges.

1. For hearing every argument upon any matter hereby committed to his jurisdiction, three dollars, to be paid on noticing the motion, by the party giving such notice; and to be taxed and recovered with his taxable costs, if costs shall be recovered:

2. That the trial fee now allowed the circuit judge for the first circuit, be increased to two dollars and fifty cents; and shall be paid to the clerk of the court when the cause is noticed for trial, and before it is put upon the calendar; but no more than two trial fees shall be allowed in any one cause:

3. No person acting as supreme court commissioner in the city of New-York, shall be authorised to make any order or do any act relative to suits pending in the supreme court; but in the absence from the city of New-York, or sickness of the circuit judge of the first circuit, such duties may be performed by the first judge of the common pleas, or recorder of the city.

Security how  
to be given.

§ 7. The security to be given as above provided, shall be a bond by two sureties, with or without the party, and shall be in the penalty of two hundred dollars; and the condition of it shall be, that the party appealing shall pay all such costs as shall accrue and be adjudged against him upon such appeal. The bond shall be filed in the office of one of the clerks of the supreme court; and the proceedings shall not be stayed until such bond be filed, and notice thereof given.

Rules.

§ 8. It shall be lawful for the supreme court to make rules for the practice, in cases provided for in this act.

## CHAP. 129.

### AN ACT to incorporate the Buffalo and Erie Rail-Road Company.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation  
created.

§ 1. Heman McClure, Benjamin Walworth, John Crane, and such other persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of "The Buffalo and Erie rail-road company," for the purpose of constructing a single or double rail-road or way, from some proper point in the village of Buffalo, through the villages of Fredonia and Westfield, to the line of this state at such point in the county of Chautauque, as shall be agreed upon by and between the company hereby incorporated, and any company or association to be formed in the state of Pennsylvania, for the purpose of continuing the said road or way from the said line of this state to the harbor of Erie in the state of Pennsylvania, with power to take, transport, carry and convey property and persons upon the same, by the power and force of steam or animals, or any mechanical power, or any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the corporation hereby created, shall not, within four years from the passage of this act, commence, and within ten years thereafter construct and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void. But the privileges hereby granted shall not be forfeited for or by reason of the not constructing the said road west of the village of Westfield, unless the said company shall have reasonable assurances that the same will be immediately continued from the said state line to the harbor of Erie, in Pennsylvania.



§ 3. The capital stock of the said company shall be six hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferrable in such manner as the by-laws of the said corporation shall direct. Stock.

§ 4. William Peacock, Thomas B. Campbell, James McClurg, John Z. Saxton, Leverett Barker, Daniel G. Garnsey, and Oliver Lee, of the county of Chautauque; Samuel Russell, David Burt, and Ebenezer Johnson, jun., James Stryker, of Buffalo, in the county of Erie; Jesse Buel and Erastus Corning, of the county of Albany, and Saul Ally, Elisha Tibbits of the city of New-York, shall be commissioners, whose duty it shall be, within two years after the passage of this act, at some suitable place in the village of Buffalo, or in such other place or places as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation; which books shall be kept open for subscription for the space of three successive days; and within ten days thereafter, the said commissioners shall meet in the village of Buffalo; and if more than six hundred and fifty thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless two dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers printed within the county of Chautauque, and in each of the cities of New-York and Albany, of the time and place of opening the books shall be given for fourteen days previous to the day appointed for that purpose. Subscriptions  
to stock

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers printed in the said county, and one in each of the cities of New-York and Albany, for a meeting of the said stockholders, at such time and place in the said village of Buffalo, as the said commissioners shall appoint, to choose thirteen directors; and such election shall then and there be made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail- Election of  
directors.

road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said railroad. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

To hold for  
one year

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June in each and every year, at such time and place in the village of Buffalo, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in the said county, and one in each of the cities of New-York and Albany. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen, shall elect as soon as may be, after the said first meeting and every annual meeting thereafter, one of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

Election.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

By laws.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

Real estate.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such

lands and real estate as may be indispensable for the construction and maintenance of their rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation to aid in the construction, maintenance and accommodation of the said rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement between them as to price, and before making any portion of the said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the eighth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Chautauque, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner, in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the eighth circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon, and take possession, and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear af-

Rights of infants, &c.

ter such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

**Tolls, &c.**

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

**Penalty.**

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

**Crossing  
streams or  
roads.**

§ 13. Whenever it shall be necessary for the construction of their rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

**Calls on  
stockholders.**

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Chautauque, and one in each of the cities of New-York and Albany.

**General powers.**

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

**Annual report.**

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said of-

file a detailed statement of tolls received on such rail-road, and of all monies expended by said company for repairs or otherwise, for the purpose of said rail-road.

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all monies expended by them for permanent fixtures for the use of said road, with interest on such sums at the rate of fourteen per cent per annum, together with all moneys expended by the said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. Expenditures

§ 18. The said corporation shall have power upon the terms, with the privileges and under the restrictions herein before mentioned, to construct branches from the said main rail-road to the villages of Fayette and Lodi, and to take said main rail-road through, or a branch thereof, to the village of Dunkirk, but nothing herein contained shall be construed to require them to do so. Branches

§ 19. The legislature may at any time alter, amend, modify or repeal this act. Rights reserved.

## CHAP. 130.

AN ACT to amend and continue in force an act entitled "An Act to authorise the erection of a Toll Gate, on the Great Road leading from Plattsburgh to Chateaugay Four Corners," passed February 14th, 1823, and for other purposes.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The act entitled "An act to authorise the erection of a toll gate on the great road leading from Plattsburgh to Chateaugay Four Corners," passed February 14th, 1823, shall be extended and continue in force for the term of ten years from and after the passage of this act: and the same is hereby amended as follows. Act continued for ten years.

§ 2. One commissioner shall be appointed in each of the counties of Clinton and Franklin, by the judges of the courts of common pleas of the said counties, respectively, or a majority of them, who shall convene at the court-house in each of Commissioners.

the said counties, respectively, for that purpose, on the first Tuesday of October next, or on such subsequent day or days as shall be notified to them, by the first or senior judge of said respective counties: which said commissioners, when so appointed, shall be styled "Military Road Commissioners;" whose duty it shall be to take charge of, and superintend the collection of tolls, and to superintend and conduct the repairs of the said road, and the expenditures of all the moneys so collected for tolls on said road, as is herein after provided for: and they shall hold their offices for two years, but may be removable at the pleasure of a majority of the judges of the courts by whom they are respectively appointed.

Their powers  
and duties.

§ 3. The commissioners who shall be appointed under this act shall have power, whenever they shall deem expedient, to remove the present toll gate on said road, and to erect such other toll gate as they shall deem for the best interest of the road, and to contract or provide for tending the same and receiving and collecting the said tolls. And it shall be the duty of the said commissioners, after defraying therefrom the amount to which they shall be entitled for their services as commissioners, and the cost of erecting and tending said gate, to lay out and expend, in the manner most beneficial to said road, the residue of the money which shall be collected or received for tolls on said road, or so much thereof as may be necessary for the purpose, in keeping and maintaining in good repair that portion of the said road that is between the north bounds of the town of Beekmantown and the Chateaugay Four Corners: and they shall have power, and it shall be their duty to appropriate and expend whatever balance of the said moneys may remain unexpended, after keeping and maintaining in good repair the aforesaid portion of the said road, in improving and repairing the two great stage roads running westward from the town of Chateaugay, through the county of Franklin, to the east line of the county of St. Lawrence, to be divided between the said roads in equal portions. And the said commissioners shall be held responsible for all moneys collected for tolls on said road, and for the faithful application thereof as aforesaid; and render just and faithful accounts of the said moneys collected, and of the disbursements thereof, to the boards of supervisors of both of the said counties of Clinton and Franklin, at their annual meetings, in each year, for their inspection and sanction. And the said commissioners shall not be allowed to account for any of the moneys so received by them, or either of them, or collected for tolls on said road, either in labor, board or subsistence of laborers on said road, or in materials furnished therefor by themselves individually, or jointly with others; but shall only be allowed for moneys actually paid out, for erecting and tending said gate, repairs of said road, and for

such allowance as they shall be entitled to for their services as commissioners under this act.

§ 4. The rates of tolls that shall be receivable on said road after the first day of November next, shall be established, and may be changed from time to time as the exigency of the said road may require, by a joint resolution signed by a majority of the judges of each of the courts of common pleas of the counties of Clinton and Franklin, copies of which shall be filed in the clerk's office of each of said counties; which rates of tolls shall not be greater than is necessary to accomplish the objects specified in this act, and shall be subject to all the restrictions and exemptions prescribed in and by the act hereby amended: *Provided however*, That such restrictions and exemptions shall not be construed to exempt from the payment of tolls any person going to or returning from any grist mill, blacksmith shop or place of public worship, situated more than six miles distant from his or her usual place of residence. And the said judges of the courts of common pleas of either of the said counties, or a majority of them respectively, may from time to time prescribe such further and other regulations as to the manner of keeping and rendering the said accounts of the said commissioners, as they shall deem proper; which regulations when duly notified to said commissioners, shall be complied with by them. Rates of toll.

§ 5. The judges mentioned in this act shall have power to regulate the compensation of the commissioners appointed by them, and shall take and receive from such commissioner a penal bond, with sufficient surety, in the sum of one thousand dollars, conditioned for the faithful performance of his duties, and for the faithful application of all the moneys received under this act; and the judges mentioned in this act shall be allowed each two dollars per day for all services rendered in obedience to this act, to be paid by the treasurer of the county in which such judges reside, as other incidental county charges are paid. Pay of commissioners.

§ 6. The commissioners appointed under this act shall have power to commute with stage proprietors at a stipulated sum per annum; nor shall any stage running on said road be exempted from paying toll at any gate by reason of the vicinity of the residence of the owner or proprietor thereto. Commutation.

§ 7. The act, entitled "An act for the relief of Jonathan Thompson," passed 26th March, 1825; and so much of the act hereby amended as is inconsistent with this act, shall be and the same is hereby repealed. Repeal.

§ 8. It shall be the duty of the judges of the court of common pleas of the county of Clinton, or such of them as may have had the management or superintendence of said road, and Account to be rendered.

all keepers and tenders of the toll gate on said road, and all persons who may have been entrusted with, or shall have had in their hands or possession any moneys arising from the receipts of tolls on said road, not heretofore duly accounted for according to the provisions of the act hereby amended, to render a final settlement and account thereof to the board of supervisors of the county of Clinton, setting forth the amount, manner and when received, and when and how expended, and the amount that shall still remain in his or their hands unexpended; and shall on or before the said first day of November next, pay over such unexpended balance to the commissioners that shall have been appointed by virtue of this act, or one of them, taking his or their duplicate receipts therefor, one of which shall be forthwith filed in the clerk's office of the said county of Clinton; and in default thereof shall be liable to prosecution therefor in an action of debt in any court having cognizance of the same.

Duty of commissioners of highways.

§ 9. It shall be the duty of the commissioners of highways in the several towns through which the said road runs, in the counties of Clinton and Franklin, to include said road in their road districts, and to assess the inhabitants on said road, according to their rateable property, and to cause the labor so assessed, or the commutation therefor, to be expended on said road in the same manner, and in the same proportions as assessments and labor are applied to other roads in said town.

Penalty.

§ 10. Any person who shall fill up or obstruct any of the sluices, drains or side ditches of said road, whereby the said road may receive injury, or otherwise wilfully injure any portion of said road or any bridge thereon, such person shall forfeit and pay the sum of five dollars for each and every such offence, together with all damages that shall be occasioned to the said road or bridge thereby.

How to be recovered.

§ 11. All actions for any penalties imposed by this act, or for damages done to the bridges or road, or for the recovery of any moneys due, or collected for tolls on said road, shall be sued for, and recovered by and in the names of the commissioners appointed under this act; and the same shall be applied and accounted for by them, after defraying therefrom the costs and charges of prosecutions, in the same manner as is herein provided in regard to tolls collected on said road.

Rights reserved.

§ 12. The legislature may at any time alter, modify or repeal this act.



CHAP. 131.

AN ACT to incorporate the Rensselaer and Saratoga Rail-Road Company.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Stephen Warren, and such other persons as shall here- Corporation created.  
after become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Rensselaer and Saratoga Rail-Road Company," for the purpose of constructing a single or double rail-road or way from some proper point in the city of Troy, in the county of Rensselaer, passing through the village of Waterford in the county of Saratoga to the village of Ballston Spa in said county of Saratoga: to take, transport, carry and convey property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

§ 2. If the corporation hereby created shall not, within Time limited.  
three years from the passage of this act, commence, and within five years thereafter, construct, finish, and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be Stock.  
three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferrable in such manner as the by-laws of the said corporation shall direct.

§ 4. John Knickerbacker, John House, Stephen Warren, Subscriptions to stock.  
William Peirce, William Haight, James Cook, and Joel Lee shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the city of Troy, or in the city of New-York, or in the village of Ballston Spa, or in each or all those places, as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days: and within ten days thereafter the said commissioners shall meet in the city of Troy, and if more than three hundred thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions unless five dollars on each share subscribed

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be paid at the time of subscription. Notice by publication in one of the newspapers published in Rensselaer, New-York or Saratoga county wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

Directors to  
be chosen.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers published in each of the counties of Rensselaer and Saratoga, for a meeting of the stockholders, at such time and place in said city of Troy, as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

To hold for  
one year.

§ 6. The first directors to be chosen shall hold their offices till the first Monday in June, in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June in each and every year, at such time and place in the village of Waterford, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said counties. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, out of their own number, a president. In case of the death,

resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should at any time happen that an election <sup>Election.</sup> of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

§ 8. The directors shall have full power to make all need- <sup>By-laws.</sup> ful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

§ 9. The corporation is hereby empowered to purchase, re- <sup>Real estate.</sup> ceive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land, and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the chancellor, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties, at which time and place, upon proof that the notice directed has been given, the chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation: and the said chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders

and residents of the county of Saratoga, and who shall, under the direction of the chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the chancellor, who shall examine the same, and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the chancellor shall direct, of the amount of said damages, and the payment of all expenses; the chancellor shall make an order or decree, particularly describing the land, and reciting the appraisalment of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the register of the court of chancery, the said corporation shall be possessed of all such land or real estate, and may enter upon, and take possession and use the same for the purposes of the said road.

Rights of infants, &c.

§ 10. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

Tolls, &c.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

Penalty.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Crossing streams or roads.

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon

the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state or in a sufficient manner not to have impaired its usefulness. It shall not be lawful for the said rail-road company to erect any bridge across the Hudson river within two miles of the place where the bridge belonging to the president and directors of the Union bridge company is erected, between Lansingburgh and Waterford. But it shall be lawful for the said rail-road company to contract with the said Union bridge company, if they can mutually agree, for the use of their bridge, on terms that may be satisfactory to the said Union bridge company, for crossing the same, in case the said Union bridge company shall see fit to make such arrangement.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in each of the said counties aforesaid. Calls on stockholders.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed. General powers.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provisions by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appur-

tenances, shall vest in and become the property of the people of this state.

Rights reserved.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 132.

### AN ACT to incorporate the Aurora and Buffalo Rail-Road Company.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Joseph Howard, junior, Edward Paine, Joseph Riley, Robert Person, Calvin Fillmore, Deloss Warren and Aaron Riley, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Aurora and Buffalo Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from the east village of Aurora, in the county of Erie, to the village of Buffalo, in the same county, to take, transport, carry and convey property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the corporation hereby created, shall not, within three years from the passage of this act, commence, and within three years thereafter, construct and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shs'l be null and void.

Stock.

§ 3. The capital stock of the said company shall be three hundred thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

Subscriptions to stock.

§ 4. Heman B. Potter, Edward Paine, Joseph Howard, junior, Edward H. Ney and Calvin Fillmore, shall be commissioners, whose duty it shall be, within two years after the passage of this act, at some suitable place in the east village of Aurora, or in such other place or places as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days; and within sixty days thereafter, the said commission-

ers shall meet in the village of Anrora, and if more than three hundred thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation; and if the full amount of capital be not subscribed within three days, as aforesaid, then it shall be the duty of the commissioners to open the subscription books from time to time, until the whole amount shall have been subscribed. The commissioners shall receive no subscription, unless two dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers printed within the county of Erie, of the time and place of opening the books, shall be given for fourteen days previous to the day appointed for that purpose.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers printed in the said county, for a meeting of the said stockholders, at such time and place in the said east village of Aurora, as the said commissioners shall appoint, to choose nine directors; and such election shall then and there be made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

Directors to  
be chosen.

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the east village of Aurora, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in the said county. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal

To hold for  
one year.

number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen, shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, one of their own number as president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

*Election.*

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held.

*By-laws.*

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

*Real estate.*

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said rail-road or way; but all lands thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement between them as to the price, and before making any portion of the said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the eighth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the



said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Erie, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the eighth circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon, take possession, and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot or insane person, Indian or tribe of Indians, or non-residents of the state, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person, non resident, Indian or tribe of Indians. Rights of infants, &c.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished. Tolls.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt. Penalty.

Crossing  
streams or  
roads.

§ 13. Whenever it shall be necessary for the construction of their rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Calls on  
stockholders.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Erie.

General pow-  
ers.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

Annual re-  
port.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all monies expended by said company, for repairs or otherwise, for the purpose of said rail-road.

Expenditures

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the re-payment to the said company of the amount expended by them in the construction of said rail-road, together with all monies expended by them for permanent fixtures for the use of said road, with interest on such sums, at the rate of fourteen per cent per annum, together with all monies expended by the said company, for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Rights re-  
served.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 133.

## AN ACT for the protection of the Side-Walks in the Village of Fort Covington.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. If any person, after the passage of this act, shall wan- <sup>Penalty.</sup>  
tonly or wilfully do, or aid, or assist any person in doing any injury to the side-walks which are constructed or which may hereafter be constructed on the streets in the village of Fort Covington, as surveyed by the authority of the surveyor-general of this state, or to the fences or railing erected for the protection thereof, every person so offending shall forfeit the sum of five dollars for each offence, to be recovered with costs of suit in an action of debt before any justice of the peace in the town of Fort Covington, in the name of the trustees of the Fort Covington academy.

§ 2. If any person shall hereafter drive any horse, horses n.  
or oxen upon either of the said side-walks, or shall drive any cart, wagon, sleigh or other carriage thereon, (except when such side-walks shall cross the streets, or when it shall be necessary for the inhabitants to cross such side-walks to pass and repass into their fields, yards, gardens, dwellings, shops and stores,) every person so offending shall forfeit the sum of one dollar for every such offence, to be recovered in like manner.

§ 3. Every person offending against the provisions of this <sup>How to be</sup>  
act shall, in addition to the penalties imposed by this act, be <sup>recovered.</sup>  
liable to pay to the extent of the injury done, to be recovered in like manner ; and all penalties and damages to be recovered under this act, shall be applied to the reparation of the said side-walks, or of the fences and railing erected for the protection thereof.

**CHAP. 134.**

**AN ACT** *relative to the Board of Supervisors of the County of Warren.*

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The annual meetings of the board of supervisors of the county of Warren shall be held on the Monday next after the general election in each year.

§ 2. The statement of votes in each of the towns of said county, to be canvassed by the board of county canvassers, shall be delivered by the board of inspectors in each of said towns to the supervisor thereof respectively, unless from sickness or absence the supervisor shall be unable to attend the board of county canvassers at the time of their canvass.

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**CHAP. 135.**

**AN ACT** *authorising the Commissioners of Highways of the Town of Geneseo to lay out a Public Highway in said Town of a less width than three rods.*

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of highways of the town of Geneseo in the county of Livingston, are hereby authorised to lay out and open a highway in the village of Geneseo, commencing near the south bridge in Main-street and running east on the line of lots till it intersects Second-street, of a width less than three rods, and of such width as they, or a majority of them shall deem expedient.

**CHAP. 136.**

**AN ACT to constitute the coloured children of Rochester a separate school.**

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of common schools of the towns of Gates and Brighton, in the county of Monroe, or a majority of them, may in their discretion cause the children of colour of the village of Rochester to be taught in one or more separate schools.

§ 2. The commissioners of common schools of the towns of Gates and Brighton, shall discharge the duties of trustees of such school, and shall apportion thereto a distributive share of the moneys for the support of common schools.

**CHAP. 137.**

**AN ACT for the relief of the Town of Otisco.**

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The electors of the town of Otisco, in the county of <sup>Trustees.</sup> Onondaga, at their annual town-meetings, shall elect two persons, being freeholders of said town, as trustees to take charge of the gospel and school moneys belonging to the said town.

§ 2. Such trustees shall be subject to all the provisions of <sup>Their powers and duties.</sup> title four of chapter fifteen of the first part of the Revised Statutes, so far as the same are applicable to a town having gospel and school moneys, but no gospel or school lands.

§ 3. The trustees now in office in the said town of Otisco, <sup>To account.</sup> shall account for all the monies in their hands, and pay over and deliver the same with all securities for gospel and school moneys, to their successors in office.

## CHAP. 138.

**AN ACT** *relative to the Capitol, and the Grounds connected therewith, and belonging to the People of this State.*

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Park to be levelled and fenced.

§ 1. The trustees of the Capitol shall, with all convenient despatch, cause the park and grounds in front of and adjoining the Capitol to be pitched, reduced, levelled and enclosed with a permanent and durable fence of such pattern and description as they shall think most suitable and proper, taking into consideration the location and situation of the grounds, the objects for which those grounds are reserved and intended, and the necessary economy of expenditure in the construction of the fence, but the expense thereof shall not exceed the sum of eight thousand dollars.

Coping stone

§ 2. The agent of the state prison at Mount-Pleasant shall cause to be prepared and delivered at the prison, upon the order of the trustees, such coping and other stone as they shall consider it most economical to obtain from that place, they furnishing to the said agent the necessary plans, patterns and directions for the preparation of the stone, paying all the charges for transportation, and paying to the said agent, in case that shall be necessary for the support of the prison, the bills regularly made and presented by him for the support of the men employed in the preparation of the said stone, and the reasonable earnings of the convicts while so employed.

Roof of capital.

§ 3. The trustees shall further make such repairs to the roof and other parts of the Capitol as shall be found necessary to preserve the building from injury, and to keep it in a safe and proper condition for the use to be made of it by the state.

Court rooms.

§ 4. The trustees shall pay the expenses which have been incurred by them pursuant to the concurrent resolution of the legislature of the fourth day of January last, in purchasing and procuring to be made and laid down a carpet for the supreme court room and the chancellor's court room in the Capitol.

Executive chamber.

§ 5. The trustees shall cause a new carpet and other necessary furniture to be procured for the executive chamber in the Capitol, and shall have the said room properly fitted up before the next meeting of the legislature.

Walks to be kept clean.

§ 6. The trustees shall direct the walks in and around the Capitol park to be kept clear from snow and ice, and the walks and streets to be swept and taken care of according to the ordinances of the corporation of the city of Albany in relation to the public walks and streets of the city.

§ 7. The treasurer shall pay, on the warrant of the comptroller, to the trustees of the Capitol, or to their order, all the necessary expenses of carrying this act into effect. Expense.

## CHAP. 139.

AN ACT to renew the Charter of the *Stephentown and Nassau Turnpike Company*.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act to incorporate the *Stephentown and Nassau turnpike company*," passed the fourteenth day of April, one thousand eight hundred and twenty-seven, is hereby renewed and continued in force; and the time limited by such act for the completion of the said road, shall be extended to the term of two years from the passing of this act.

§ 2. All acts done in pursuance of the powers contained in the act hereby renewed shall be valid, and binding on the parties interested.

## CHAP. 140.

AN ACT further to amend an Act entitled "*An Act to reduce the Laws concerning the Village of Johnstown into one Law.*"

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That the title of the said act, so far as the village of *Johnstown* is concerned, is hereby so amended as to read, "An act to reduce the laws concerning the village of *Johnstown* into one law."

§ 2. The annual election of trustees and other officers of said village, shall be held on the first Tuesday of May in this and every year hereafter, instead of the third Tuesday of May, as provided by the act hereby amended; and that so much of the second section of the act hereby amended as is inconsistent with the provisions of this act, be, and the same is hereby repealed. Annual election.

§ 3. The trustees shall, within ten days after their election, elect one of their number to be their president, and may de- President.

signate any other member to preside at their meetings in his absence, and supply his place in case of a vacancy. They may have stated meetings as a board, and any trustee may call special meetings, by verbal or written notice to each and all. Complaints and petitions shall be made to the board, or filed with their clerk, and the trustees shall dispose of them as required by their ordinances and the laws of the state relating to said village.

Police constable.

§ 4. The trustees may appoint, under their corporate seal, a police constable in said village, who shall hold his office for one year, whose powers within said village, responsibilities and fees, shall be the same as constables in towns, and he shall be required to take the same oath and enter into the like bonds for the faithful performance of his duties.

His duties.

§ 5. The trustees shall have power to prescribe the powers and duties of such police constable in all matters relating to his office, and connected with the peace, internal regulation, police and good government of the said village, and to allow him such compensation for his services, rendered in pursuance of this section, as they shall deem reasonable and proper.

To give bond

§ 6. In addition to the bond required of such police constable by the fourth section of this act, he shall give a bond to the trustees of said village, with such sureties, and in such amount, for the faithful performance of his duties as such police constable, and contemplated by the last section of this act, as the said trustees may require, and upon which bond the said constable and his sureties may be prosecuted by the said trustees in their corporate name, for any violation of the condition thereof.

Pound.

§ 7. The trustees of said village may establish and maintain a common pound in said village, at the expense of the inhabitants thereof; and as often as the said trustees shall make, ordain and publish any by-laws for restraining geese, swine, sheep, horses, or cattle of any kind, from running at large, they may ordain that such animals may be seized, impounded, and sold at public vendue for the payment of the pound fees, after personal notice to the owner, and notice in writing put up for six days in three public places, describing the animals to be sold, and the amount of charges for which the sale is to be made. The overplus on any such sale, after payment of all charges, shall be paid into the treasury for the benefit of the owner, if claimed within three months, and if not, for the benefit of the village. All penalties shall be recovered by action, and not by sale of impounded animals.

Pound master

§ 8. The trustees may appoint a pound-master, who shall hold his office during their pleasure, and who shall have the same powers, privileges and compensation as pound-masters in towns.



§ 9. The pound-master shall give a bond to the trustees of said village, with such sureties, and in such amount; for the faithful performance of his duties as the said trustees may think proper; upon which bond the said pound-master and his sureties may be prosecuted, by and in the corporate name of the said trustees, for any violation of the condition thereof. To give bond.

§ 10. The village of Johnstown shall be a road district, and shall be exempt from the superintendence of the commissioners of highways of the town of Johnstown; and the trustees of the said village shall be commissioners of highways, and shall have the same powers and be charged with the same duties over the roads in the said village, as the commissioners of highways of towns have or possess. They may appoint a superintendent of the streets in said village, who shall hold his office during their pleasure; and such superintendent shall have the same powers and be charged with the same duties and liabilities as overseers of highways in towns, and shall, in all things which appertain to the duties of his office, be under the exclusive direction of the said trustees. Road district.

§ 11. After the highways and streets of said village, in each year, shall have been placed in good condition and repair, the residue of the work as assessed by the said trustees, shall be laid out by the superintendent of the streets of said village, on the highways leading into said village, and in such places as the said trustees may direct and designate, not exceeding two miles from the bounds of said village. Highways and streets.

§ 12. The superintendent of the streets of said village may commute with any inhabitant of said village, assessed to work on the highways within said village, or within two miles therefrom, as aforesaid, at the rate of fifty cents for each days' labor so assessed. Persons may commute.

§ 13. The trustees shall have power to cause sewers to be built in the streets of said village, where necessary, and the costs and expenses attending the same shall be assessed and collected, together with the fees of collection, in like manner as other taxes in and by the act hereby amended are directed to be assessed and collected. Sewers.

§ 14. The said trustees shall have power to compel the owners or occupants of lots adjoining any street or public highway in said village, to make new side-walks, and to repair any side-walk already made or which may be made, the whole or any part of the distance the lot of such owner or occupant may extend on such street or highway, and to determine the width, height, pitch, quality and material of such side-walk, and to inflict such penalty for neglect or refusal as the said trustees shall see fit, not exceeding twenty-five dollars for each lot, to be recovered in any court having cognizance thereof, Side-walks.

for the use of said village; and if such owner or occupant shall neglect or refuse for fifteen days after the expiration of the time limited for doing the same, the said trustees may proceed to advertise and lease the lot of the owner or occupant thus neglecting or refusing, (whether the said penalty shall have been collected or not,) in the manner directed in and by the act hereby amended, or the said trustees may cause said work to be done in the manner prescribed in and by the said ordinance, and collect from such owner or occupant all the costs and expenses attending the same, in any court having cognizance thereof, with costs of suit.

Duty of superintendent.

§ 15. The trustees of said village shall have power to confer on the superintendent of the streets of said village, such other and further powers and duties relative to levelling, pitching, paving, flagging and cleaning the said streets, and to ordain and publish such prudential rules and regulations for his government, and to allow him such compensation for his services, contemplated by this section, as they may deem reasonable and proper; and the said trustees may require from such superintendent a bond, with such sureties, and in such amount, for the faithful performance of his duties, as they may think proper, to be enforced by the said trustees in their corporate name, against such superintendent and his sureties, in any court having cognizance thereof, for any violation of the condition thereof.

Common showmen.

§ 16. The trustees of said village shall have the exclusive power to prohibit or license common showmen, other than those now restrained by law; but the said trustees shall not receive less than five dollars for any license so granted, and the moneys received therefor, shall be applied to the use of the said village in like manner as other moneys belonging to the said village are by law directed to be applied. And such license shall be under the seal of the corporation, signed by the president and countersigned by the clerk, and shall specify the length of time for which such showmen shall exhibit; and for drawing and preparing of said license, the clerk shall receive fifty cents for his own use; and if any such showman shall exhibit without such license as aforesaid, or shall continue to exhibit after such license shall have expired, he shall forfeit the sum of twenty-five dollars, to be collected in an action of debt, in like manner as other penalties are directed to be collected in and by the act hereby amended, for the use of said village.

Actions.

§ 17. All actions for any penalty or forfeiture by this act, or by the act hereby amended, or by any act amending the same, and all other actions wherein the said corporation may be interested, may be brought and prosecuted to judgment and execution before any justice of the peace residing in said village, as well as otherwise now authorised by law, and no

inhabitant of the said village, shall, for that cause, be disqualified from being a justice, juror, witness or constable, on the trial of any such suit or action.

§ 18. No action shall be brought in the corporate name of said village for any penalty, fine, forfeiture or other thing whatsoever, unless previously authorised by the board of trustees in legal meeting, by a resolution duly entered in their minutes; and all penalties when collected, and other moneys belonging to said corporation, shall be paid to the treasurer of said village, for the use of said village, and the trustees may remit penalties wholly or in part. <sup>When to be brought.</sup>

§ 19. All stair-ways or stair-cases or other erections on, or projecting over any portion of the side-walks of any of the streets of said village, adjoining or leading up the outside of any building, whereby to ascend to any story of said building, except the first story next and immediately above the cellar, and all erections of the kind which may be made hereafter, in any of the said streets as aforesaid, are hereby declared to be common nuisances; and the trustees of said village shall have power to ordain and publish ordinances to compel the owners or occupants of all such erections, which now exist in said village, or which may be made hereafter, to take down and remove the same, and to prohibit the making of any such erections for the future; and to inflict such penalties for a violation of said ordinances as they may deem reasonable and proper, not exceeding fifty dollars for each and every such offence, to be collected in like manner as other penalties are directed to be collected, in and by the act hereby amended, for the use of said village. <sup>Stair-ways.</sup>

§ 20. In case the owner or occupant of any such erection, mentioned in the last section of this act, shall neglect or refuse to take down and remove the same, for the space of ten days after the expiration of the time limited by any such ordinance for the doing thereof, the said trustees shall have power, (whether the penalty mentioned in the last preceding section shall have been collected or not,) to issue their precept, under their corporate seal, directed to the superintendent of the streets of said village, commanding him to take down, abate and remove such erections: and the said owner or occupant of any such erection, neglecting or refusing to take down and remove the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for a term not exceeding six months, or by a fine not exceeding fifty dollars, or by both such fine and imprisonment; and may be tried for said misdemeanor by a court of special sessions of said county, pursuant to title third, article first, chapter second, part fourth of the Revised Statutes, or by any other court having cognizance thereof. <sup>Penalty.</sup>

Further duty  
of superin-  
tendent.

§ 21. Upon the receipt of such precept the said superintendent shall forthwith execute the same according to the exigency thereof: and if such superintendent shall neglect or refuse so to do, such neglect or refusal shall be deemed a breach of his official bond; and if any action shall be brought against such superintendent, or any other person, who in his aid or assistance, or by his commandment, do any thing touching his duties, as required by the twenty-first and twenty-second sections of this act, or by any ordinance of the said trustees made in pursuance thereof, it shall be lawful for such superintendent, or any other person as aforesaid, to plead thereunto the general issue, and under such plea to give the special matters in evidence in full justification; and if upon the trial of any such action, a verdict or judgment shall pass in favor of the defendant, or the plaintiff become non-suit or suffer any discontinuances therein, in every such case, the court in which the action shall be brought, shall, by virtue of this act, allow unto the defendant or defendants his or their treble costs, which he or they shall have sustained by his or their wrongful vexation in the defence of the said action, for which the defendant or defendants shall have like remedy as in other cases where costs are given to defendants.

Rights re-  
served.

§ 22. The legislature may at any time alter, modify or repeal this act.

Act to take  
effect.

§ 23. This act shall take effect from and immediately after the passage thereof.

## CHAP. 141.

### AN ACT regulating the Measuring of Grain in the City of New-York.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Measurer ge-  
neral and  
measurers.

§ 1. The governor shall nominate, and with the consent of the senate, appoint a measurer-general, and not less than ten or more than twenty measurers of grain in the city of New-York, who shall hold their offices for two years from the date of their appointment.

To keep an  
office.

§ 2. It shall be the duty of the measurer-general, to keep an office in some convenient part of said city, for the reception of orders from the owner, agent, purchaser or other person having any grain in charge; and it shall be the duty of the measurers, on the requirement of the measurer-general, to go,

without delay, to the place within the city of New-York where such grain is deposited, and measure the same.

§ 3. If any dispute shall arise between the purchaser and seller of any grain, or between either of them and the measurer, respecting the measurement of any grain in the said city, such dispute shall be submitted to the measurer-general, whose determination shall be final; but if any such dispute shall relate to the quality of the grain, and if the buyer or seller shall be dissatisfied with the decision of the measurer-general, they or either of them, may appeal to three indifferent persons, one to be chosen by each of the parties, and the third by the two thus chosen, whose decision shall be conclusive on the matter.

To decide in a case of dispute.

His pay.

§ 4. The measurer who shall perform the service, shall be entitled to demand and receive at the rate of seventy-five cents for every hundred bushels of grain measured by him, one half to be paid by the buyer and the other half by the seller.

Restriction.

§ 5. No person, except those appointed in pursuance of this act, shall measure any grain within the city of New-York, for hire, pay or reward, under the penalty of twenty-five dollars, to be recovered by any person who shall sue for the same. The measurers of grain now in office in the said city shall continue to discharge the duties of their offices until other measurers shall be appointed under this act, and until they shall have been sworn in.

Ib.

§ 6. Neither the measurer-general or measurers shall, directly or indirectly, purchase any grain, except for their own use; or be concerned or connected in business or trade with any person dealing in grain, or act as agent for any person or persons in the purchase or sale of any grain, under the penalty of two hundred and fifty dollars, to be recovered by any person who shall sue for the same.

Measuring how regulated.

§ 7. The measurer-general is hereby authorised and required to superintend the measurers within the city of New-York, and allot to each as equitable a portion of the business as the nature of the case will admit; and the said measurers are required to follow such instructions or directions as they, or either of them, may from time to time receive from the measurer-general, in relation to the duties required of them by law; and they shall, once in every month, make separate returns to him of the number of bushels of the different kinds of grain measured by them respectively, with the average price, as near as practicable, from what place shipped, and if exported, to what place.

Suspension.

§ 8. The measurer-general is hereby authorized, and it shall be his duty to suspend from the exercise or performance of all official acts, any measurer who shall, in his opinion, act incon-

sistently with the trust reposed in such measurer, by neglect, incapacity, mal-practice or other cause, and report the name of such measurer, together with the reasons for such suspension, to the person administering the government of this state, who in his discretion, may remove from office such measurer, and appoint some fit person to supply the vacancy, until the pleasure of the senate shall be known.

Measures,

§ 9. Whenever any measurer shall attend for the purpose of measuring any grain, it shall be the duty of the person selling or delivering such grain, to cause the measures to be filled and removed according to the directions of the measurer-general.

Annual report,

§ 10. It shall be the duty of the measurer-general annually, in the month of January, to make and transmit to the legislature, a report containing the number of bushels of grain of different kinds measured under his superintendence, in each month during the year ending with the thirty-first day of December preceding such report; the average price, as near as practicable; from what place shipped; and if exported, to what place; together with the amount of fees received by himself and each measurer.

Pay for services and expenses.

§ 11. The measurer-general shall be entitled to receive for his services and expenses, six cents on every hundred bushels of grain measured under his superintendence; and it shall be the duty of the measurers respectively, on making the returns required by the seventh section of this act, to pay to the measurer-general, six cents on every hundred bushels measured by them; and for any default in such payments, or for any wilful false or incorrect return, the measurer-general, or measurer, guilty thereof, shall forfeit his office and be removed therefrom.

Additional measurers.

§ 12. If, at any time, the measurers directed to be appointed by the first section of this act, shall be insufficient for the necessary despatch of their official duties, the measurer-general shall have power to appoint so many additional measurers as may be necessary; but no such additional measurer shall hold his office for a longer time than shall be necessary for the performance of the particular duties for which he was so appointed.

Act to take effect.

§ 13. This act shall take effect immediately on the passage thereof,

## CHAP. 142.

## AN ACT to incorporate the Rochester Institute of Practical Education.

Passed April 14, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Joseph Penny, William Wisner, Luke Lyons, James Seymour, Charles M. Lee, and Moses Chapin, and such other persons as may associate, are constituted a corporation, by the name of the "Rochester Institute of Practical Education," to be located in the village of Rochester, and by that name shall have perpetual succession, and may hold, purchase and convey real and personal estate to the annual value of ten thousand dollars. Corporation created.

§ 2. The object of this Institute is the cultivation of all the branches of a literary and scientific education, in connexion with a more extensive application to the practical business of life than is usual in our existing institutions, and by uniting manual labor with study, to promote vigor of bodily constitution, provide facilities whereby young men without pecuniary resources may attain an education, and to unite the advantages of a cultivated mind with the feelings and habits of a working population. Object.

§ 3. The concerns of said corporation shall be managed by fifteen directors. And the first directors shall be Joseph Penny, Henry Ely, A. M. Schermerhorn, Charles M. Lee, James Seymour, Moses Chapin, Arthur Tappan, Robert Wilson, Benjamin F. Butler, Oliver Comstock, Aristarchus Champion, James S. Wadsworth, Obadiah N. Bush, Walter Hubbell, and Charles Church. Directors.

§ 4. On the first Monday of May next, the directors shall be divided into three classes, of five each. The first class to hold their offices until the first Monday of May, one thousand eight hundred and thirty-three; the second until the first Monday of May, one thousand eight hundred and thirty-four; the third until the first Monday of May, one thousand eight hundred and thirty-five. To be divided into classes.

§ 5. That on the first Monday of May, one thousand eight hundred and thirty-three, and annually thereafter, there shall be a meeting of the directors, or a majority of them, at such place in the village of Rochester as shall be designated by the president, and they shall proceed to elect five directors, who shall hold their offices for three years. The directors shall have power to choose a president, secretary and treasurer, Annual meeting.

who shall hold their offices for one year, and until others are elected. William Wisner shall be the first president of the corporation, Charles M. Lee the first secretary, and Ebenezer Ely the first treasurer, who shall hold their offices until the first Monday of May, one thousand eight hundred and thirty-three, and until others are elected.

**Vacancies.** § 6. In case any of the persons so appointed or elected directors of the said corporation shall die or resign before the time of their appointed service expires, or shall decline to act in or execute the said offices, then, and in every such case, the remaining directors of said corporation, or a majority of them, shall, within thirty days thereafter, by ballot, elect others instead of him or them so dying, resigning or declining to act.

**Restriction.** § 7. The said corporation shall not engage in any other business than that of encouraging and promoting education, and the proceeds of all their funds shall be appropriated to the objects properly connected therewith, and no other.

**Treasurer.** § 8. The directors, or a majority of them, shall require the treasurer of the corporation, before he enters upon the duties of his office, to give to the corporation a bond in such penalty as the directors may require, for the faithful discharge of the duties of his office.

**General provisions.** § 9. This corporation is subject to all the provisions of title third, chapter eighteen of the first part of the Revised Statutes; but shall not be forfeited for non user.

## CHAP. 143.

*AN ACT granting to Elias Stone and Andrew Merritt the privilege of establishing and maintaining a Ferry across the Allegany River.*

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

**Ferry.** § 1. It shall be lawful for Elias Stone and Andrew Merritt, and their assigns, to set up, keep and maintain a ferry across the Allegany river, at or near the mouth of Turringuont creek, in the town of Great-Valley, for and during the term of ten years from the first day of April, one thousand eight hundred and thirty-two.

**Dock.** § 2. The said Elias Stone and Andrew Merritt, and their assigns, shall, if they set up and establish a ferry by virtue of this act, make a convenient dock or landing place on each side



of the said river, and shall, during the time aforesaid, keep, support and maintain a ferry-boat, capable of conveying four horses, and ready at all reasonable times and seasons to transport and ferry across the said river, persons, goods and chattels.

§ 3. The court of common pleas of the county of Cattaraugus, in their sessions, may and shall annually order, direct and determine the several rates of toll of said ferry; and the said court shall have the further power to lease to the said Elias Stone and Andrew Merritt, and their assigns, by and with the consent of the principal chiefs residing on the Allegany river Indian reservation, so much land as shall be necessary for their use in keeping said ferry; but the quantity of land so leased shall in no case exceed fifty acres. But nothing herein contained shall be construed to authorise the said Elias Stone and Andrew Merritt to cut or remove any pine trees or pine timber from any land which shall be leased to them and their assigns by virtue of this act. Rates of toll.

§ 4. If the said Elias Stone and Andrew Merritt, or their assigns, or either of them, or any ferryman or person employed by them, or either of them, to keep said ferry, shall exact or receive any greater or higher rates for transporting persons, goods or chattels, than shall be by the court of common pleas aforesaid limited and established, the person or persons so offending shall forfeit and pay, for every such offence, the sum of three dollars, to be recovered in any court having cognizance thereof within this state, by any person who shall sue for the same. Penalty.

§ 5. If any person or persons shall, after the first day of April aforesaid, set up, keep or maintain a ferry, or shall transport any persons, goods or chattels, for hire or pay, across the said river within five miles of the mouth of Turringuont creek, other than the said Elias Stone and Andrew Merritt and their assigns, such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof; but nothing herein contained shall be construed to exclude any person or persons living or inhabiting along said river within the limits aforesaid, from the right of carrying and transporting themselves and their goods and chattels, respectively, in their own boats, at pleasure. Prohibition.

§ 6. If it shall appear to the court of common pleas aforesaid, upon sufficient evidence, that the said Elias Stone and Andrew Merritt, or their assigns, shall wilfully neglect to comply with the directions of this act in keeping said ferry, it shall and may be lawful for the said court to adjudge that all the privileges granted to them under this act shall cease, and be of no effect. Forfeiture in case of neglect.

Right to  
repeal.

§ 7. The legislature may at any time modify or repeal this act.

## CHAP. 144.

AN ACT to authorise the Supervisors of the County of St. Lawrence to raise Money to repair a Bridge over the Grass River, at Columbia Village, in the Town of Madrid, in said County.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

\$400 to be  
raised.

§ 1. The supervisors of the county of St. Lawrence shall be authorised and they are hereby required, at their next annual meeting, to direct to be levied and collected on and from the inhabitants of the town of Madrid, in said county, in the same manner as the contingent charges of said town are by law directed to be levied and collected, the sum of four hundred dollars, together with the usual fees for collecting the same, for the purpose of repairing the bridge over the Grass river at Columbia village, in said town; which sum when collected shall be paid over to the commissioners hereinafter mentioned, to be by them expended in repairing the bridge over the Grass river at Columbia village in said town.

Commission  
etc.

§ 2. David L. Haskell, Levi Lockwood and Isaac Bartholomew, shall be commissioners to repair said bridge, and to expend the money hereby authorised to be paid over to them for that purpose, in such manner as they shall consider most expedient for the repairing of said bridge.

To give bond.

§ 3. It shall be the duty of the commissioners hereby appointed, before they shall receive any of the money hereby authorised to be raised, to execute each a separate bond to the supervisor of said town, in the penal sum of five hundred dollars, with surety to be approved by the supervisor or by the clerk of said town, conditioned for the faithful application of all moneys which shall come to his hands by virtue of this act.

Their pay.

§ 4. The commissioners hereby appointed shall receive the like compensation for their services which is allowed to the commissioners of highways of said town; and the said commissioners shall account to the board of town auditors for all monies received by the said commissioners by virtue of this act, in the same manner as commissioners of highways are required to account.

# CHAP. 145.

## AN ACT to incorporate the Buffalo Lyceum.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. William B. Rochester Millard Fillmore, James Styrker, Oran Follett, Heman B. Potter, Dyre Tillinghast, Alfred Handy, Lucian W. Caryl, William Hull, John W. Clark, T. Burwell, Oliver G. Steele, William Ketchum, R. W. Haskins, and Bryant Burwell, and such other persons as now are, and may from time to time become members of the society by this act incorporated, in pursuance of the constitution thereof; as now established, or as it may be hereafter altered and amended, are hereby constituted a body corporate, by the name of the "Buffalo Lyceum," for the purpose of mutual improvement in useful knowledge, for the advancement of popular education, and for the promotion of science generally, with the right and power to take, hold and convey real estate, to an amount not exceeding in value, exclusive of improvements thereon, the sum of twenty-thousand dollars; and also any goods, chattels, personal property, library, cabinets, philosophical or other apparatus; that may be necessary for attaining the objects, and carrying into effect the purposes of the said incorporation.

Corporation created.

§ 2. The said society shall forever hereafter have power to make, constitute, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers; for prescribing their respective functions; and the mode of discharging the same; for the admission of new members; for the government of the officers and members thereof; for collecting the fines, impositions and annual contributions from the members; for regulating the times and places of meeting of the said society; for suspending or expelling such members as shall neglect or refuse to comply with the by-laws or regulations; and for managing and directing the affairs and concerns of the said society: *Provided*, Such by-laws and regulations be not repugnant to the constitution and laws of this state, or of the United States, or the objects contemplated by this act.

§ 3. The officers of the said lyceum shall consist of a president, two vice-presidents, a recording secretary, a corresponding secretary, a treasurer and three curators, and such other officers as the said lyceum shall deem necessary, who shall be chosen annually, and who shall continue in office for one year, or until others shall be elected in their stead: if the annual election shall not be held on any of the days for that purpose appointed.

it shall be lawful to make such election at any other regular meeting; and such number of members of the said lyceum, assembled at the place and time designated for that purpose, as may be specified by the constitution or by-laws of the said lyceum, shall constitute a legal meeting thereof; and in case of a vacancy in any office, between the annual elections, then it shall be lawful to fill such vacancy at any regular meeting, and the person or persons so chosen shall continue in office until the next annual election, or until others shall be elected in their stead.

**First officers.** § 4. Oran Follett shall be the first president; James Stryker the first vice-president; Millard Fillmore the second vice-president; Alfred Handy the recording secretary; Lucian W. Carryl the corresponding secretary; William Ketchum the treasurer; and John W. Clark, Oliver G. Steele and William Hull, curators, severally to be the first officers of the said corporation, who shall hold their respective offices until others shall be chosen in their places.

§ 5. The personal property of the said corporation shall be held for, and devoted solely to purposes of literature, science and the arts, and while so held and devoted, shall be exempt and free from all state, county, town and village taxes and assessments whatsoever.

**Public act.** § 6. This act is hereby declared to be a public act, and shall, in all courts and places, be construed benignly and favorably for every beneficial purpose therein intended; and no misnomer or misdescription of the said corporation, in any will, deed, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same; but every such will, deed, gift, grant, demise or other instrument of contract or conveyance, shall take effect in like manner as if the said corporation were rightly named therein, provided it be sufficiently described to ascertain the intent of the parties.

**General powers.** § 7. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in the third title of chapter eighteen of the first part of the Revised Statutes.

**When to take effect.** § 8. This act shall commence and take effect from the passage thereof.

## CHAP. 146.

*AN ACT authorising the Supervisors of the County of Greene to sell and convey the Poor-House Lot and Establishment in said County, and for other purposes.*

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors of the county of Greene shall have <sup>Lot, &c. to be sold.</sup> power to sell and dispose of the lot of land, buildings and improvements now used and improved as a county poor-house, at any time when they shall think it for the interest of the said county.

§ 2. The conveyance for the said premises in the event of a <sup>Conveyance.</sup> sale, may be executed by such person as the said supervisors shall by a resolution to be entered in their minutes designate; and such conveyance executed by such person in the usual form of release, shall vest the title of the said supervisors and of said county to the said premises in the grantee in fee.

§ 3. The sum for which the said premises shall be sold, <sup>Avails.</sup> shall be paid into the hands of the county treasurer, and remain subject to such appropriation or distribution as the said supervisors shall deem most advantageous to the several towns in the said county.

§ 4. The concurrence of a majority of all the supervisors of <sup>How to be disposed of.</sup> said county shall be required in the adoption of any measure in pursuance of this act.

§ 5. The board of supervisors of the said county of Greene <sup>New poor-house.</sup> may at any annual or special meeting thereof, after the sale of the present poor-house, determine to erect another county poor-house, for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents of the poor of such county to purchase one or more tracts of land not exceeding two hundred acres, and to erect thereon one or more suitable buildings for the purpose aforesaid. To defray the expenses of such purchase and buildings, the said board may raise by tax on the real and personal estate of the inhabitants of the same county, a sum not exceeding seven thousand dollars, by such instalments and at such times as they may judge expedient. The said tax shall be raised, assessed and collected in the same manner as the other county charges, and shall be paid by the county treasurer to the superintendents of the poor of the county, to be applied in defraying the expenses aforesaid.

## CHAP. 147.

*AN ACT to authorise the Board of Supervisors of the County of Essex to raise Money by tax, for the erection of a fire proof Clerk's Office.*

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the board of supervisors of the county of Essex, and they are hereby required, at their next annual meeting, to cause to be levied and collected from the taxable inhabitants and property in the said county, a sum not exceeding five hundred dollars over and above the expense of collecting the same; which sum shall be levied and collected in the same manner as other contingent charges of the said county, for the purpose of building a fire proof clerk's office for the said county, to be located in such part of the village of Elizabethtown, in said county, as the judges of said county or a majority of them shall direct, and in which all the public records and papers belonging to said county shall be kept, after the said building shall have been completed; and it shall be the further duty of the board of supervisors to appoint two commissioners to superintend the erection of the said building.

§ 2. It shall be the duty of the said commissioners to contract for, superintend and direct, or cause to be erected in such part of the village of Elizabethtown, as the said judges or a majority of them shall direct, a good and sufficient fire proof building, for the safe keeping of the books, records and all other public papers of the said county, and the said commissioners shall keep a true and just account of all the expenditures in erecting and completing the said building, and present the same to the board of supervisors of the said county, whose duty it shall be to audit and allow the same, and order the treasurer of the said county to pay to the said commissioners, or to such other person or persons as they shall direct, out of the moneys raised for the purpose aforesaid; and the said commissioners shall each be entitled to receive for each and every day they may be employed in superintending, erecting or completing said building, a sum not to exceed two dollars per day, for each and every days' service they may render, to be audited and allowed by the board of supervisors of the said county.

# CHAP. 148.

**AN ACT** *authorising the Commissioners of Highways of the Town of Little Falls to build a Bridge across the Mohawk River in said Town.*

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of highways of the town of Little Falls, are hereby authorised to build and construct a substantial stone bridge across the Mohawk river, where the present bridge now stands, in the village of Little Falls. The north end of the bridge, at or within twenty feet west of where the old bridge now stands, and the south end of the bridge to rest at or within fifty feet west of where the south end of the old bridge now rests, in the village of Little Falls. Bridge where to be built.

§ 2. It shall and may be lawful for the supervisor and commissioners of highways of said town of Little Falls, to borrow on the credit of said town, a sum not exceeding four thousand dollars, for the purpose of building said bridge, or to contract for the building of said bridge at a price not exceeding four thousand dollars, to be paid in five equal annual instalments, with annual interest thereon. Money may be borrowed.

§ 3. The money to be borrowed as aforesaid, shall be paid in five years by equal instalments, with annual interest at seven per cent, by a tax to be assessed, levied, collected and paid, in the same manner as the annual tax is assessed, levied and collected. How to be paid.

§ 4. If the said bridge shall be built upon the credit of said town, then the same shall be paid for in like manner by an annual tax for one-fifth of said debt, and the annual interest thereon to be assessed, levied, collected and paid in five years, as the other taxes in said town are assessed, collected and paid. Tax.

§ 5. Nothing done by virtue of this act shall render the said supervisor or commissioners of highways, or either of them, personally responsible for the loan of said money or the interest thereon, or upon any contract to build said bridge upon the credit of said town. Saving clause.

§ 6. This act shall take effect and become a law from the time of its passage. To take effect.

## CHAP. 149.

## AN ACT to amend the Charter of the Bank of Chenango.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Penalty.

§ 1. If at any time hereafter the president, directors and company of the bank of Chenango, shall neglect or refuse for ten days after demand at their banking house, during the regular hours of business, to redeem in specie any evidence of debt issued by said corporation, the said president, directors and company shall discontinue and close, until they shall resume payment as aforesaid, all their operations and business, except the securing and collecting of debts due or to become due to said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following.

Application to chancellor.

§ 2. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor, or the vice-chancellor of the sixth circuit by petition, accompanied by a full disclosure of the state and affairs of the said corporation, for leave to proceed in its business; and if such chancellor or vice-chancellor after due examination, shall find that the proceedings of said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, may, by an order, to be entered in the minutes of the court of such chancellor or vice-chancellor, permit the said corporation so to do.

Liability.

§ 3. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon.

Repeal.

§ 4. The tenth, fourteenth, fifteenth, sixteenth and seventeenth sections of the act entitled "An act to incorporate the bank of Chenango," passed April 21st, 1818, be and the same are hereby repealed.

General provisions.

§ 5. The said corporation shall also be subjected to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations and for other purposes;" passed April 2d, 1829.

Rights reserved.

§ 6. The legislature may at any time modify, alter or repeal this act, or any of its provisions.



## CHAP. 150.

## AN ACT to incorporate the President, Directors and Company of the Bank of Rome.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be established in the village of Rome, and <sup>Name.</sup> county of Oneida, a bank, to be called "The Bank of Rome," whose operations of discount and deposit shall be carried on in the village of Rome, and not elsewhere.

§ 2. All persons who shall become holders of the capital <sup>Corporation created.</sup> stock of the said bank, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of the president, directors and company of the Bank of Rome, and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-two.

§ 3. The said corporation shall have power to carry on the <sup>Banking powers.</sup> business of banking, by discounting bills, notes and other evidences of debt ; by receiving deposits ; by buying and selling gold and silver bullion, foreign coins and bills of exchange ; by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business.

§ 4. The real estate which it shall be lawful for the said <sup>Real estate.</sup> corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business : or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due : or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings : or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

§ 5. The said corporation shall not, directly or indirectly, <sup>Restriction.</sup> deal or trade in buying or selling any goods, wares, merchandise or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be one hundred thousand dollars, to be divided into four thousand shares, of twenty-five dollars each; and George Brown, Jay Hatheway, Harold H. Pope, John Stryker, Stephen Moulton 3d, Israel Stoddard, Ichabod C. Baker, Linus Parker, Joseph McConnell, S. Newton Dexter and George Brayton, are hereby appointed commissioners to receive subscriptions to the said capital stock.

Subscription book.

§ 7. The commissioners, or any two of them, in case the others shall not all attend, shall open a subscription book for the said stock, on such day and at such place in the village of Rome, as they shall appoint, and shall give at least fourteen days' previous notice of such time and place, in two or more of the newspapers printed in the said county of Oneida.

To be kept open three days.

§ 8. The book for subscriptions shall be kept open at least three days, and the sum of one dollar on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payment shall be made in specie or current bank bills, and no check, draft or certificate of deposit shall be received.

Further subscriptions.

§ 9. If the whole of the capital stock be not taken up during the said three days, the said commissioners may receive further subscriptions on such other day, and at such place in the village of Rome as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the corporation shall be taken up, giving public notice thereof as directed by the seventh section of this act.

Distribution of stock.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock within the said three days, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the institution; but there shall not be allowed to any one of the subscribers or commissioners, directly or indirectly, or to any one in trust for him, more than one hundred shares of said stock, if without such allowance the whole stock be taken up: and if, at the expiration of the third day on which the subscription books shall have been kept open, the whole amount of the capital stock shall not have been subscribed, then the said commissioners may subscribe for the remaining shares.

Restriction.

§ 11. No corporation having banking powers under the authority of this state, or of the United States, shall be permitted or authorized, directly or indirectly, to subscribe for any part of the capital stock of the said corporation, nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith, in security for a debt or

loan; and in such case the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of said fund.

§ 12. The stock, property, affairs and concerns of the said <sup>Directors.</sup> corporation shall be conducted by thirteen directors, being stockholders of the said corporation, and citizens of this state; but no person shall be a director, who shall not, at the time of his appointment, hold on his own account, and not in trust in any manner whatsoever for any other person, at least ten shares of the stock of the said corporation.

§ 13. The first election of directors under this act, and of <sup>First elec-</sup> three inspectors of the first annual election thereafter, shall be held at such time and place in the village of Rome as shall be directed by the commissioners herein before appointed, or a majority of them; and the said commissioners are hereby appointed inspectors of such first election, and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year one thousand eight hundred and thirty-three, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been subscribed.

§ 14. The directors for every subsequent year shall be <sup>Subsequent elections.</sup> elected on the second Tuesday of June of every year, at such time of the day, and at such place within the village of Rome, as a majority of the directors for the time being, shall, by a resolution to be entered in their minutes, appoint, and shall hold their offices for one year, and until others are elected in their stead.

§ 15. Public notice of every election under this act shall be <sup>Public notice.</sup> given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the said county of Oneida.

§ 16. Each stockholder at the time of the <sup>Votes.</sup> first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting; at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law;

except that in case any one person shall hold more than one thousand shares, including all shares which may be held by any other person in trust for him, no more than one thousand votes shall be given upon all such shares.

Elections,  
how conduct-  
ed.

§ 17. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes, shall be director or directors, or inspector or inspectors, so as to complete the whole number.

Vacancies.

§ 18. If any director shall remove out of the state or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stock and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

President.

§ 19. The directors elected, as soon as may be after their election, shall proceed in like manner to elect one of their number by ballot, to be their president.

Banking  
when to com-  
mence.

§ 20. The said corporation shall not commence the business of banking until the whole of the capital stock of the said corporation shall have been paid to the said corporation in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has to the knowledge of such officers been made to enable any stockholder to pay up the amount of his shares or any part thereof, under an implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation: and any wilful false swearing in any such oath, shall subject the person guilty thereof to the pains and penalties of perjury.

Officers.

§ 21. The directors of the said corporation shall have power, from time to time, to appoint so many officers, clerks and servants, for carrying on the business of the corporation, and with such compensation as to them shall seem meet.

By laws.

§ 22. The directors for the time being shall also have power to make and prescribe such by-laws, rules and regulations, as shall be needful, touching,

1. The government of the said corporation, and the management and disposition of its stock, business, property, estate and effects :

2. The time, manner and terms, at and upon which discounts and deposits shall be made and received in and by the same :

3. The duties and conduct of the officers, clerks and servants, employed by the said corporation: and,

4. All such matters as may appertain to the concerns of the institution.

§ 23. The directors for the time being shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and of all previous payments thereon, to the said corporation. Calls on stockholders.

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week, for four weeks successively, in one or more of the newspapers printed in the county of Oneida, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorise, in case of his default to comply therewith, the forfeiture above provided. Notice thereof.

§ 25. The obligations, bills, contracts, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person, and every evidence of debt, issued under the seal of such corporation, and assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon, in his own name; but every note, bill or evidence of debt, purporting to be a bank note to be issued by said corporation, shall be deemed and taken to be payable at the banking house of the said corporation. Bills and notes assignable.

§ 26. It shall be the duty of the directors of the said corporation to make dividends half yearly, or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable. Dividends.

§ 27. No transfer of any stock in the said corporation shall be valid until such transfer shall have been registered in a book to be kept for that purpose by the directors of such corporation; which book shall, at all times during the usual time of transacting business, be open to the examination of any person having in his possession any note, bill or other evidence of debt, issued by such corporation, the payment of which shall Transfers.

have been refused, and of any stockholder of the said corporation.

**Penalty.**

§ 28. In case any officer of such corporation, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

**In case of neglect or refusal to redeem notes.**

§ 29. If at any time the president, directors and company of the said corporation, shall neglect or refuse, for ten days after demand, at their banking house, during the regular hours of business, to redeem in specie, any evidence of debt issued by the said corporation, the said president, directors and company shall discontinue and close until they shall resume payments as aforesaid, all their operations and business, except the securing and collecting of debts due or to become due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following.

**Application to chancellor.**

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor, by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if such chancellor, after due examination, shall find that the proceedings of said corporation have been fair, and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

**Damages.**

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

**Redemption.**

§ 32. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt, of any monied institution without the jurisdiction of the state, and which shall be made payable at the said bank of Rome; and it shall not be lawful for said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of the state.

**General powers.**

§ 33. The said corporation shall possess the general powers of a corporation, as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same shall have been repealed before the passage of this act, or are modified by the act referred to in the next following section.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, so far as the same shall be in force at the time of the passage of this act. Subject to act of April 2, 1829.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock as security for making any loan or discount made by such corporation. Loans.

§ 36. The legislature may at any time modify, alter or repeal this act, or any of its provisions. Rights reserved.

## CHAP. 151.

*AN ACT authorising the Board of Supervisors of the County of St. Lawrence to raise Money to build Bridges in the Town of Brasher, in said County.*

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The board of supervisors of the county of St. Lawrence, at their next annual meeting, are hereby authorised and required to raise by tax, to be levied upon the taxable property in the town of Brasher, in said county, in the same manner as other town charges are raised and levied, the sum of one thousand dollars, to be paid to the commissioners hereinafter named, for the purpose of building two bridges across the St. Regis river; one at the place commonly called the Landing, and one near the mill of John Crapser, in the middle third of lot number seventeen; and to pay the commissioners of highways of said town a balance of two hundred dollars, due them for building a bridge at the village of Helena last season. Tax.

§ 2. Jehiel Stevens, Horace Houghton and Peter Corbin are hereby appointed commissioners to superintend the building of the said bridges; and they are hereby vested with power to contract for the materials and workmanship of the same. Commissioners.

§ 3. The commissioners appointed by this act shall be entitled to receive one dollar per day, for each day actually and necessarily employed in the building of said bridges, to be paid as other contingent charges of said town; and shall be required to account to the supervisor and justices for all monies that may come into their hands by virtue of this act. Their pay.

**CHAP. 152.**

**AN ACT to amend an act, entitled "An Act to incorporate the Clinton Fire Insurance Company of the City of New-York," passed April 26, 1831.**

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The time for organizing and commencing operations, by the Clinton fire insurance company of the city of New-York, is hereby extended for one year from the passage of this act.

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**CHAP. 153.**

**AN ACT relating to sundry Acts granting authority to Persons residing near the Highland Turnpike to perform Highway Labor thereon.**

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. So much of the several acts, passed April the fourteenth, one thousand eight hundred and fifteen ; April the third, one thousand eight hundred and eighteen ; and April the third, one thousand eight hundred and twenty-one, as grant authority to persons residing on or near the Highland turnpike to elect to do the labor of their several highway assessments, or to perform such labor upon said turnpike, are hereby repealed.

§ 2. This act shall take effect immediately after the passage thereof.



## CHAP. 154.

AN ACT to amend the Act entitled "*An Act to incorporate the Schoharie Mutual Insurance Company.*"

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The property and concerns of the said corporation <sup>Directors.</sup> shall hereafter be managed and conducted by seventeen directors, to be chosen by ballot, by and from among the members. Marvin Hannabs, Thomas Lawyer, John P. Bellinger, Peter A. Hilton, Timothy Cook, John Youngs, John C. Wright, William Mann, Jabez W. Throop, Jacob Gebhard, Peter I. Borst, Freeman Stanton, William C. Bouck, Coleby Reed, Isaac W. Baird, Marvin Judd and John Stryker, shall be the directors of the said corporation, and shall continue in office for the period of one year, and until others may be chosen, and no longer ; which directors shall, as soon as may be after the passage of this act, organize the said corporation, by choosing out of their body one person to be president.

§ 2. The said directors, and such others as may be chosen <sup>Indemnified.</sup> by the said corporation, shall always stand and be indemnified and saved harmless by the members of the said corporation, in proportion to the amounts of property that each and every member may have insured, at and after the rates of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance, or directing their president so to do, and all other lawful acts, deeds and transactions done and performed in pursuance of this act, or the act hereby amended ; and neither of the said directors, or those who may be hereafter chosen by the said corporation, shall be answerable for or chargeable with the defaults, neglects or misdeeds of others of them.

§ 3. The operations and business of the said corporation <sup>Operations.</sup> shall be carried on and conducted in the county of Schoharie, and not elsewhere.

§ 4. Any thing inconsistent with the provisions of this act, <sup>Repeal.</sup> in the third and fourth sections of the act hereby amended, and the ninth and twelfth sections of the said act, are hereby repealed.

## CHAP. 155.

AN ACT to incorporate the President, Directors and Company of the Schenectady Bank.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Name.

§ 1. That there shall be established in the city of Schenectady a bank, to be called "The Schenectady Bank," whose operations of discount and deposit shall be carried on in the said city, and not elsewhere.

Corporation created.

§ 2. All persons who shall become holders of the capital stock of the said bank, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of "The President, Directors and Company of the Schenectady Bank," and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-two.

Banking powers.

§ 3. The said corporation shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business; or,

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due; or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

4. Such as shall have been purchased, at sales upon judgments, decrees, or mortgages obtained or made for such debts. The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restriction.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into three

thousand shares of fifty dollars each; and John I. De Graff, Alonzo C. Paige, Aaron Carroll, Harvey Davis, Archibald Craig and James Myers, of the city of Schenectady; Gideon M. Davidson, Thomas Palmer and Judiah Ellsworth, of the county of Saratoga; Shuler Cady and Platt Potter, of the county of Montgomery; Freeman Stanton, of the county of Schoharie, are hereby appointed commissioners to receive subscriptions to the said capital stock.

§ 7. The commissioners, or any two of them, (in case they shall not all attend,) shall open a subscription book for the said stock, at such time and place in the city of Schenectady, as they shall appoint; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in the city of Schenectady, and in the counties of Saratoga, Montgomery and Schoharie, and in the state paper.

§ 8. The books for subscriptions shall be kept open at least two days, for six hours each day, and the sum of one dollar on each share subscribed for, shall be paid to the said commissioners, at the time of making such subscription. Such payment shall be made in specie or current bank bills, and no check, draft or certificate of deposit shall be received.

§ 9. If the whole of the capital stock be not taken up during the said two days, the commissioners may receive further subscriptions on such other day or days, and at such place in the said city of Schenectady as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the corporation shall be taken up; giving public notice thereof as directed in the seventh section of this act.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto: in case there should be subscriptions to more than the amount of such stock within the time above prescribed, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interest of the institution: and there shall not be allowed to any one of the subscribers or commissioners, directly or indirectly, or to any one in trust for him, more than one hundred shares of such stock, if without such allowance the whole stock be taken up.

§ 11. No corporation having banking powers under the authority of this state or of the United States, shall be permitted or authorised, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created, nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case the shares of stock so hypothecated shall be sold within sixty days after such debt shall become

due, according to the terms of such hypothecation ; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829 ; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

**Directors.**

§ 12. The stock, property, affairs and concerns of the said corporation shall be conducted by thirteen directors, being stockholders thereof and citizens of this state ; but no person shall be a director who shall not, at the time of his appointment, hold, in his own account and not in trust in any manner whatever for any other person, at least ten shares of the stock of the said corporation.

**First election.**

§ 13. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the city of Schenectady, as shall be directed by the said commissioners, who, or a majority of whom, are hereby appointed inspectors of such first election ; and the persons then elected such directors, shall hold their offices until the second Tuesday of June, one thousand eight hundred and thirty-three, and until others are elected ; and the said election shall be holden within two months after the capital stock shall have been subscribed.

**Subsequent elections.**

§ 14. The directors for every subsequent year shall be elected on the second Tuesday of June in every year, at such time of the day, and at such place in the city of Schenectady, as a majority of the directors for the time being, shall, by resolution to be entered in their minutes, appoint ; and shall hold their offices one year, and until others are elected in their stead.

**Notice.**

§ 15. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in a newspaper printed in the city of Schenectady, and in a newspaper printed in the county of Saratoga, and in the state paper.

**Votes.**

§ 16. Each stockholder at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting ; at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law, except that in case any one person shall hold more than eight hundred shares, (including all others which may be

held by any person in trust for him,) no more than eight hundred votes shall be given upon all such shares.

§ 17. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be director or directors, or inspector or inspectors, so as to complete the whole number. By ballot.

§ 18. If any director shall remove out of the state or cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stock and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint. Vacancies.

§ 19. The directors elected, as soon as may be after their election, shall proceed in like manner to elect one of their number by ballot, to be their president. President.

§ 20. The said corporation shall not commence the business of banking until the whole of the capital stock of the corporation shall have been paid to the said corporation in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has to the knowledge of such officers been made to enable any stockholder to pay up the amount of his shares or any part thereof, under any implied or express agreement that such loan has to be repaid by a discount of any note or other security by such corporation: and any wilful false swearing in any such oath, shall subject the person guilty thereof, to the pains and penalties of perjury. Banking when to commence.

§ 21. The directors of the said corporation shall have power, from time to time, to appoint so many officers, clerks and servants, for carrying on the business of the corporation, and with such compensation as to them shall seem meet. Officers.

§ 22. The directors for the time being shall also have power to make and prescribe such by-laws, rules and regulations as shall be needful, touching, By-laws.

1. The government of the said corporation, and the management and disposition of its stock, business, property, estate and effects:

2. The time, manner and terms at and upon which discounts and deposits shall be made and received in and by the same :

3. The duties and conduct of the officers, clerks and servants employed by the said corporation ; and,

4. All such matters as may appertain to the concerns of the institution.

*Calls on  
stockholders.*

§ 23. The directors for the time being shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon to the said corporation.

*Notice there-  
of.*

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week, for four weeks successively, in one of the newspapers printed in the city of Schenectady, and in a newspaper printed in each of the counties of Saratoga, Montgomery and Schoharie, and in the state paper ; which notice so to be published, shall be a sufficient call on each stockholder, to authorise, in case of his default to comply therewith, the forfeiture above provided.

*Bills, notes  
&c. assign-  
able.*

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person ; and every evidence of debt issued under the seal of such corporation and assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name ; but every note, bill or evidence of debt purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation.

*Dividends.*

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them shall deem advisable.

*Transfers.*

§ 27. No transfer of any stock in the said corporation shall be valid, until such transfer shall have been registered in a book to be kept for that purpose by the directors of such corporation ; which book shall at all reasonable times during the usual time of transacting business, be open to the examination of any person having in his possession any note, bill or evidence of debt, issued by such corporation, the payment of which shall have been refused, and of any stockholder of the said corporation.

§ 28. In case any officer of such corporation having charge Penalty. of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

§ 29. If at any time the corporation hereby created shall neglect or refuse, for ten days after demand, at their banking-house during the regular hours of business, to redeem in specie any evidence of debt issued by the said corporation, the said corporation shall discontinue and close, until it shall resume payment as aforesaid, all its operations and business, except the securing and collecting of debts due or to become due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following. In case of neglect or refusal to redeem notes.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the said corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do. Application to chancellor.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal, until the payment of such evidences of debt, and the damages thereon. Damages.

§ 32. It shall not be lawful for said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said Schenectady bank; and it shall not be lawful for said corporation to give public notice that it will redeem the bills, notes, or other evidences of debt, of any monied institution beyond the jurisdiction of this state. Restriction.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the following section, or by this act in respect to the corporation created hereby. General powers.

Act of April  
2, 1829.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829, so far as the same shall be in force at the time of passing this act.

Loans.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock as security for the making any loan or discount by such corporation.

Rights re-  
served.

§ 36. The legislature may at any time modify, alter or repeal this act, or any of its provisions.

## CHAP. 156.

AN ACT concerning the Pilots of the Channel of the East River, commonly called Hell-Gate.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Number to  
be appointed:

§ 1. There shall be appointed, in manner herein after directed, fourteen fit and proper persons, and no more, to act as pilots, for the safe pilotage of vessels through the channel of the East river, commonly called Hell-Gate, who shall hold their offices during good behavior.

Vacancies.

§ 2. The said pilots shall be appointed by the governor, by and with the consent of the senate, and shall be commissioned by the governor, in like manner as all other persons appointed to office by him, with the consent of the senate. It shall be the duty of the board of wardens of the port of New-York, as often as a vacancy shall occur in the number of pilots authorised by this act, to recommend suitable and experienced persons to fill such vacancy or vacancies as may from time to time occur, and to make a list of the names of the person or persons so recommended. And in making the selection of names for said list, preference shall be given to apprentices who shall have been indentured, and their names recorded in the wardens' office, previous to the first September, one thousand eight hundred and thirty-one, and who shall have honorably served their time, and shall be otherwise legally eligible thereto; which list shall be transmitted to the governor of the state, whose duty it shall be to select from said list the name or names of as many persons as may be necessary to fill the vacancy or vacancies, and to present the same to the senate for their confirmation or rejection.

Act of March  
30, 1831.

§ 3. The pilots appointed under the sixth section of the act entitled "An act relative to the port wardens and pilots of the



port of New-York," passed March 30, 1831, shall be deemed pilots under this act; and the appointment of pilots under this act shall not be made unless to fill vacancies, and the number authorised to act as pilots through Hell-gate shall not exceed fourteen.

§ 4. The board of wardens of the port of New-York, shall have full power and authority to make and establish such rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, or of the provisions of this act, for the better government of said pilots; and with such fines and penalties for the breach thereof, as the said board of wardens may from time to time direct; and to revoke, annul or alter the same, as often as they may deem proper and expedient. Said board of wardens shall have such rules, orders and regulations entered at length upon the minutes of said board, and shall furnish to each of said pilots a copy of said rules, orders and regulations, and shall furnish each of said pilots with a copy of any additional rule, order or regulation, or of any abrogation, alteration or amendment thereof.

Board of wardens to make rules.

§ 5. Said board of wardens shall have cognizance of all complaints made against any or either of said pilots for official misconduct. Upon the reception of any complaint as aforesaid, against either of said pilots, it shall be the duty of said board of wardens to furnish the pilot complained of with a copy in writing of said cause of complaint; which copy shall contain, as near as may be, a full specification of the charges preferred against said pilot, with a notice affixed thereto, of the time (not less than six days) and place when they, the said board of wardens, may or shall require said pilot to appear before said board, to answer the charges made against him; but no charges shall be received, unless the same is verified by the oath of the person preferring the same. Upon said pilot appearing before the board of wardens, he shall be allowed to disprove the facts and circumstances in said complaint. If, after a full hearing of the case, a majority of the whole board of wardens shall deem said pilot guilty of official misconduct, they, the said board of wardens, shall have full power and authority to suspend said pilot. It shall be the duty of said board of wardens to transmit to the governor of this state, within ten days after such suspension, a full account of their proceedings in the premises, with a copy of the complaint and specifications, and also a copy of the testimony taken in the case. It shall be the duty of the governor, upon a review of the whole matter, either to remove the said pilot from office, or to annul or confirm his suspension, as to him shall appear just and proper in the premises.

To hear complaints.

§ 6. It shall be the duty of the Hell-Gate pilots to keep one or more good and sufficient decked boat or boats on the East

Boats.

river, and no more than seven pilots shall be interested in one decked boat; each decked boat may have one and shall not have more than three apprentices belonging to them; and no person who is not a regular licensed Hell-Gate pilot, shall own any part of any boat or boats engaged in the pilot business, under pain of forfeiture of such part or shares owned by him. All boat or boats belonging to the Hell-Gate pilots, shall be registered in the office of the port wardens of the city and port of New-York; and it shall also be the duty of said Hell-Gate pilots, to whom any apprentice shall have been indentured and bound, to attend diligently to the instruction of said apprentice in the art and mystery of a pilot through the channel of the East river, commonly called Hell-Gate. And said apprentices shall serve at least three years, and shall be examined twice during the last year of their apprenticeship, before the master warden and board of wardens of the port of New-York, whose duty it shall be to examine said apprentices in the presence of at least two of the Hell-Gate pilots, who shall be invited to attend at and assist in said examination: and the indentures of all apprentices under this act shall be filed in the office of the board of wardens, within ten days after the same shall have been executed.

Pay of pilots.

§ 7. It shall be lawful for any Hell-Gate pilot to demand and receive, from any person who shall employ him to pilot any ship or other vessel, or from the consignee or owner of of said ship or vessel, from the eastward of Sand's Point or Execution Rocks, or take charge of any vessel at or to the eastward of Sand's Point or Execution Rocks, and pilot her to the port of New-York, or to pilot her from the port of New-York to Execution Rocks or Sand's Point, for every vessel one dollar and thirty-seven cents for each and every foot of water such vessel may draw. Every pilot who shall pilot any vessel from the port of New-York to the eastward of Hell-Gate or Riker's Island, or take charge of any vessel at or from the eastward of Hell-Gate or Riker's Island, and pilot her to the port of New-York, shall be entitled to demand and receive from the owner, commander or consignee of any such vessel, one dollar for each foot such vessel may draw: and every such pilot who shall have piloted any ship or vessel into the port of New-York by the way of Hell-Gate, shall be entitled to a preference in piloting the said ship or vessel out of the said port on the next outward voyage of the said ship or vessel, if the said voyage be by the way of Hell-Gate. And further, From the first day of November to the thirty-first day of March, inclusive, in every year, he shall be entitled to demand and receive from the master, owner or consignee of every ship, barque or brig, the sum of two dollars; and for every schooner or sloop, one dollar, in addition to the rates of pilotage hereby established, for every vessel he may

pilot from the port of New-York to the eastward of Hell-Gate, or from the eastward of Hell-Gate to the port of New-York.

§ 8. The master, owner or consignee of any ship or vessel to whom any Hell-Gate pilot shall have rendered, upon request of the master of said ship or vessel, any extra service for the preservation of said ship or vessel while in distress, shall pay to said pilot, in addition to the compensation set forth in the preceding section, such amount for extra services as the board of wardens shall determine to be a reasonable reward : and for every day which any Hell-Gate pilot shall be detained on board any ship or vessel over and above twenty-four hours, he may demand and receive from the master, owner or consignee of said vessel, two dollars a day for each and every day he shall be so detained. For extra services-

§ 9. Any pilot for Hell-Gate first tendering his services, may demand and receive from the master, owner or consignee of any ship or vessel navigating the channel of the East river, commonly called Hell-Gate, to whom he shall tender his services as a pilot, and by whom the same shall be refused, seventy-five cents from the eastward of Sand's Point or Execution Rocks, and fifty cents from any other part of the channel of the East river, commonly called Hell-Gate, for every foot said ship or vessel may draw, except vessels sailing under a coasting license of less than one hundred tons burthen. But such half pilotage shall not be more than once chargeable for the same passage. On tendering services and being refused.

§ 10. If any person, other than a branch or licensed pilot under this law, shall pilot for any other person, any vessel of any description, except steam-boats, through the channel of the East river, commonly called Hell-Gate, or board such vessel for that purpose, or offer to pilot any vessel, he shall forfeit and pay the sum of thirty dollars for every such offence, or on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished as such ; and in case any vessel sailing under a coasting license of less than one hundred tons burthen shall make the usual signal for a pilot, and shall refuse to receive on board or employ such pilot, then the master or owner of such vessel shall pay to such pilot who shall have offered to go on board and take charge of the pilotage of such vessel, half pilotage from the place at which such pilot shall have offered himself to the port of New-York. Penalty.

§ 11. The pilotage authorised by law to be collected whenever a pilot shall be refused, shall be sued for and recovered in the name of the master warden of the port of New-York, before any assistant justice of the city of New-York, or before any justice of the peace ; and such half pilotage, when recovered, after paying necessary costs and charges, shall be de- Pilotage refused, how to be recovered.

posited in the Savings bank of said city, and constitute a charitable fund, to be disposed of for the benefit of indigent widows and orphan children of deceased Hell-Gate pilots, under the direction of said master warden.

Repeal.

§ 12. All such acts or parts of acts as are inconsistent with the provisions of this act, shall be and the same are hereby repealed.

To take effect.

§ 13. This act shall take effect immediately after its passage.

## CHAP. 157.

### AN ACT to amend the Charter of the Hudson River Bank.

Passed April 16, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Stock may be increased.

§ 1. The capital stock of the Hudson river bank is hereby increased to the sum of one hundred and fifty thousand dollars ; and the president and directors of said company shall issue certificates of stock for one thousand shares of fifty dollars each, for the additional stock hereby authorised.

Commissioners.

§ 2. Joseph D. Monell, Elihu Gifford, Jacob Shaver, Aaron Vanderpoel, Henry C. Miller, William H. Wilson and John I. Miller, are hereby appointed commissioners to receive subscriptions for the said increase of capital stock.

Subscriptions

§ 3. The said commissioners shall open books for subscription to the stock hereby authorised at some convenient place in the city of Hudson, within two months after the passage of this act ; and by publication in all the newspapers in said city, shall give notice of the time and place of opening said books, and shall keep them open for four hours a day for three successive days, and if more than the required amount be subscribed, the said commissioners shall immediately distribute the said stock among the subscribers in such manner as they may think best for the interest of said incorporation ; but the said commissioners shall not allot or assign directly or indirectly to stockholders in said bank, or to persons in any way interested therein, more than one-fourth part of the stock hereby authorised to be created in the aggregate, if three-fourths thereof shall have been subscribed by persons not stockholders or so interested in said bank, and inhabitants of the county of Columbia, shall be preferred to all other subscribers. Two dollars on each share shall be paid at the time of subscription. The commissioners may equalize the value of the new stock to the old, by requi-

ring payment on the new stock of a rateable portion of the expenses of the said bank in the procurement of its charter, and the organization and establishment of the institution, and by dividing the surplus, if the said bank possesses any, among the holders of the old stock.

§ 4. The additional capital of fifty thousand dollars hereby authorised, shall not be used for the purposes of loan or discount, until the whole amount thereof shall be paid to the said corporation in specie or current bank bills; which payment shall be proved on oath to the satisfaction of the bank commissioners, before any such loan or discount shall be made. Additional capital when to be loaned.

§ 5. All the provisions of the act hereby amended, or any act relating thereto, and now in force, shall apply to the additional capital hereby authorised, except so far as the same may be altered or modified by this act, and except also, that the president and directors of said company shall require the additional stock thus subscribed, to be paid before the first day of June next; and fourteen days' notice of the call therefor, shall be sufficient for that purpose. General provisions.

§ 6. This act shall take effect immediately on its final passage. To take effect.

## CHAP. 158.

*AN ACT declaring the mode of proving the Ordinances of the Common Council of the City of New-York, and other Records, Documents and Proceedings.*

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Every act, ordinance, resolution or proceeding of the common council of the city of New-York, may be read in evidence in all courts of justice in this state, either, How to be read.

1. From a copy of such act, ordinance, resolution or proceeding, certified by the clerk of the common council, with the seal of the corporation affixed, or

2. From the volume of ordinances printed by authority of the common council.

§ 2. The charter of the city of New-York may be read in evidence from the volume containing such charter printed by authority of the common council, or from a copy certified by the clerk of the common council. Courtesy of the city.

Proceedings  
of common  
council.

§ 3. A copy of the proceedings of either chamber of the common council, certified by the clerk thereof, may be read in evidence in all courts of justice in this state.

Licenses.

§ 4. A certificate of the mayor of New-York or of the clerk of the common council, of the granting or renewal of any license, may be read in evidence in any court of justice in this state to prove the existence of such license.

Board of  
Health.

§ 5. The proceedings of the board of health may be read in evidence from a copy of such proceedings, certified by the secretary of the board of health, or the presiding officer of such board.

Proclama-  
tions.

§ 6. All proclamations by the mayor of the city of New-York, may be proved in all courts of justice by producing a copy of such proclamation, with the certificate of the mayor that the same is a copy, and has been published according to law. The evidence authorised under the provisions of this act to be considered prima facie evidence only.

## CHAP. 159.

**AN ACT to authorise Benjamin D. St. Croix, and others,  
to change their names.**

Passed April 17, 1832.

*The People of the State of New-York, represented in  
Senate and Assembly, do enact as follows :*

§ 1. It shall and may be lawful for Benjamin D. St. Croix, of Poughkeepsie in Dutchess county, and Catharine his wife, and Anna Adelia D. St. Croix, and Matilda D. St. Croix, their children, to change their names, from D. St. Croix to that of Le Roy ; and they shall hereafter be known by the names of Benjamin Le Roy, Catharine Le Roy, Anna Adelia Le Roy and Matilda Le Roy.

§ 2. This act shall take effect immediately after its passage.

## CHAP. 160.

## AN ACT to incorporate the Albion and Tonawanda Rail-Road Company.

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. David E. Evans, Gaius B. Rich, Henry Edgerton, Alexis Ward, Nehemiah Ingersoll, or any of them, and such other persons as shall become stockholders agreeably to the provisions of this act, in the corporation hereby created, shall be, and for the term of fifty years from the passage of this act, shall continue to be a body corporate and politic, by the name of "The Albion and Tonawanda Rail-Road Company."

§ 2. The said corporation shall have the right to construct, and during its existence, to maintain and continue a rail-road, with a single or double track, and with such appendages as shall be necessary for the convenient use of the same. Commencing at any eligible point within the village of Albion, in the county of Orleans, and running southwardly to or near the Tonawanda creek, at the village of Batavia, in the county of Genesee.

§ 3. The capital stock of the corporation shall be two hundred thousand dollars; and it shall be deemed personal property, and shall be divided into shares of fifty dollars each.

§ 4. Orson Nicholson, David E. Evans, Gaius B. Rich, Alexis Ward, Hugh McCurdy, Harman Goodrich, John S. Ganson, Gideon Hard, Freeman Clark, 2nd, Van Rensselaer Hawkins, Lucas G. Merrill, David Scott, George W. Lay, Frederick S. Martin, William Tilden, Liberty Walker and Henry Edgerton, shall be commissioners for receiving subscriptions to the capital stock of the corporation, and for apportioning the same among the subscribers agreeably to the provisions of this act.

§ 5. It shall be the duty of the commissioners, within six months after passage of this act, to give notice, once in each week for three weeks in succession, in a newspaper printed and published in each of the counties of Orleans and Genesee, of the time when the books will be opened, at some convenient place in each of the villages of Albion and Batavia, for receiving subscriptions to the capital stock of the said corporation.

§ 6. One or more of the said commissioners shall attend at the time and at the places appointed by the said notice for the opening of the said books, and for three days successively,

and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto, in conformity to the provisions of this act.

First instal-  
ment.

§ 7. Each subscriber, at the time he subscribes, shall pay to the commissioners two dollars and fifty cents on each share of the stock subscribed by him.

Apportion-  
ment.

§ 8. If, at the expiration of the time mentioned in the sixth section of this act, it shall appear that more than the requisite number of shares has been subscribed, it shall be the duty of the commissioners forthwith to apportion the shares among the subscribers in proportion to the number of shares by them respectively subscribed, and to issue certificates to each subscriber stating the number of shares which have been apportioned to him.

Additional  
subscription.

§ 9. In case the capital stock shall not be fully taken up during the time specified in the preceding sixth section, it shall be the duty of the commissioners, from time to time, to take such further measures as they may deem necessary, in order to fill up the subscription for the stock.

Directors.

§ 10. The concerns of the corporation shall be managed by a board of thirteen directors, to be chosen annually by and from among the stockholders.

Notice.

§ 11. As soon as may be after the stock has been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published once in each week for three successive weeks prior to the time therein appointed for such election, in a newspaper printed and published in each of the counties of Orleans and Genesee.

Directors to  
be elected.

§ 12. At the time and place appointed for that purpose, the commissioners, or some of them, shall attend, and the stockholders present, or their proxies duly appointed in writing, shall proceed to elect by ballot the requisite number of directors: the commissions present shall preside at the election, and shall certify the result under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named: all future elections shall be conducted in the manner prescribed in the by-laws of the corporation.

Votes.

§ 13. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first, for any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.



§ 14. The directors shall hold their offices for one year following their election, and until others are elected in their places: they shall appoint one of their number as president, and some suitable person as secretary of the corporation; they may also appoint such other officers as the interest of the corporation may require, who shall hold their offices at the pleasure of the directors. President.

§ 15. In addition the general powers given by the Revised Statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said railroad shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon: it shall have power also, by its officers, agents and servants, to enter upon any of the lands lying within the contemplated range of the said railroad, for the purpose of examining, surveying and establishing its lines. Regulations.

§ 16. In case the corporation shall not be able to acquire the title to the lands through which the said railroad shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections. Lands.

§ 17. The directors may present a petition to the vice-chancellor of the eighth circuit, setting forth by some proper description the lands which are wanted for the construction of the said railroad, or the appendages thereto, and the names of the owners thereof if known; distinguished with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain by reason of the appropriation thereof by the said corporation to its own use. Petition to vice-chancellor.

§ 18. On the presentment of such petition, the said vice-chancellor shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing: and in case it shall appear that any of the owners of the said lands is a feme covert, an infant or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf. Hearing of parties.

§ 19. At the time appointed for such hearing, the said vice-chancellor shall appoint three disinterested freeholders, residents of the county of Orleans or Genesee, for the purpose of assessing such damages; and in the order for their appointment shall Appraisers.

direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

To assess damages.

§ 20. The said appraisers, after being sworn before some officer authorised to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such rail-road or its appendages.

To report.

§ 21. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with all necessary certainty; the names of the owners of the respective parcels if known, and if not known, stating that fact; and specifying also the damages which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid: and in case either of the parties are dissatisfied with the assessment, the said vice-chancellor may, on the hearing of the parties in interest, modify the assessment as shall appear to be just.

Use of lands on payment.

§ 22. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in the Genesee bank, the said corporation shall become immediately entitled to the use of the said lands for the purposes aforesaid; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effect as deeds are recorded, without any other proof than the certificate of the said vice-chancellor, that the report is genuine.

Highways, &c.

§ 23. The corporation shall be bound to repair all public highways, bridges and water courses, which may be injured in constructing the said rail-road or its appendages, and shall restore them as far as practicable, to as good a condition as they were in before they became injured.

By-laws.

§ 24. The said corporation may establish such by-laws, not inconsistent with the laws of the state, respecting the calling in of the capital stock, and prescribing the duties of its officers and servants, and for the regulation of its affairs, as may be deemed expedient.

Time allowed.

§ 25. The said corporation shall be allowed three years from the passage of this act, for the commencement of the construction of the said rail-road; and in case the same shall not be

completed within five years thereafter, the privileges herein granted shall be forfeited.

§ 26. Every person who shall wilfully injure the said rail-road or any of its appendages, shall forfeit to the use of the said corporation, a sum equal to three times the amount of damages occasioned by such injury, to be recovered with costs of suit, in the name of such corporation, in an action of debt, before any court having cognizance thereof. Penalty.

§ 27. The directors of the said corporation for the time being, shall, at the end of every year after the construction of the said rail-road shall have been commenced, and for the term of fifteen years after the same shall have been completed, cause to be filed in the office of the secretary of state, a detailed account of all the moneys expended during the year in constructing the said rail-road and its appendages, and in superintending keeping the same in repair; and a similar account of the income derived by tolls or otherwise, from the use of the said rail-road; to the end that a just estimate may be made of the profits received by the said corporation therefrom: such accounts shall be verified by the oaths of at least two of the directors or other officers of the said corporation. Account to be filed.

§ 28. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 29. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. Restrictions.

§ 30. The legislature may at any time alter, modify or repeal this act. Rights reserved.

Knower, Townsend McCoun, Gideon Tucker, William Aikin, Abraham P. Holdridge, Rufus Reed, Albro Aikin, Elisha Tibbits, Samuel Swartwout, John Hone, Lynde Catlin, John Lozier, Gideon Lee, John Snyder, Augustus Tremain, Walter Cunningham and Elias Pattison, shall be commissioners; the duty of whom it shall be, within the period of six months after the passing of this act, at some suitable place in the cities of New-York, Albany and Troy, and in the town of Amsterdam in the county of Dutchess, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days public notice shall be given by the said commissioners of the time and place of the opening of such books in one of the public newspapers in each of the said cities, and in the county of Dutchess; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders at such time and place as the said commissioners shall appoint, to choose seventeen directors; and such election shall be then and there made by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said commissioners; and the said directors shall have power to appoint an engineer, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, or lines for the location of the road; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals designate the line, course or way which they may deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the register of the city of New-York, and one in the office of the clerk of each of the counties through which the said road shall pass; which line, course or way so selected and certified shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make their single, double or treble rail-road or ways, as hereinafter mentioned, the expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

Apportionment of stock

§ 5. If within three days after opening the subscription books as aforesaid, a sum exceeding three millions of dollars shall be subscribed, the commissioners shall proceed to apportion the stock among the subscribers, and shall complete the apportionment within sixty days after the opening of said subscription, and if the full amount of capital be not subscribed

within three days, as aforesaid, then it shall be the duty of the commissioners to open the subscription books from time to time, until the whole amount shall have been subscribed. The commissioners shall receive no subscription unless five dollars on each share subscribed be paid at the time of subscription.

§ 6. The said directors to be chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their own number one president, and one other person to be vice-president; and in case of the death, resignation or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen; and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in case of the absence of the president and vice-president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

§ 7. In case it should at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time within sixty days thereafter.

§ 8. The directors shall have full power to make and prescribe such by-laws, rules and regulations as to them shall seem needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the transfer of shares, and touching the duties and conduct of their officers, servants, and election of directors, and all other matters whatsoever which may appertain to the concerns of the said corporation; and also shall have power to appoint a secretary and as many clerks and servants as to them shall seem meet, and to establish and fix such salaries and allowances to them, and also to the president and vice-president; as to the said board shall appear proper. The said corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyors and engineers, enter upon such route, place or places, to be designated as aforesaid by the said directors as the line, course, road or way, whereon to construct the said rail-road or ways; and it shall be lawful for the said corporation to enter upon, and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of the said single, double

or treble rail-road or ways, and the accommodations requisite and appertaining unto them: and may also receive, hold and take all such voluntary grants and donations of land and real estate as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said rail-road or ways; but all lands or real estate thus entered and taken possession of, and used by the said corporation, and which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, and at a price to be mutually agreed upon between them; and in case of a disagreement of price, and before the making of any portion of the road upon said land, the directors of the said corporation may present their petition to the chancellor or vice-chancellor of the circuit in which such lands are situated, setting forth the necessity of such lands for making said rail-road or ways, and of the attempt and failure to purchase the same, with the name and residence of the owner, and the reason why the purchase cannot be made; and the chancellor or vice-chancellor shall direct such notice to the owner or owners of such lands as he shall deem proper and reasonable, of the time and place of hearing the parties; and upon proof of due service of such notice, and upon hearing the parties, the chancellor or vice-chancellor shall appoint three competent and disinterested freeholders of the county in which the lands are situated, to be commissioners to appraise said lands. The said commissioners shall appraise said lands, and shall award to the owner or owners thereof what they shall deem to be the full value of the same; and shall be authorised to examine the lands, to administer oaths, and hear testimony; and shall make their appraisalment in writing, without delay, under their hands, with a minute and accurate description of the lands appraised, with a map thereof, and shall report the same, with the testimony taken, to the court of chancery. The chancellor or vice-chancellor shall examine the report and shall hear the parties if desired, and may increase or diminish the amount awarded, if he shall be satisfied injustice has been done. Upon proof to the chancellor or vice-chancellor, within thirty days after his determination, of payment to the owner, or of the depositing to the credit of the owner in such bank as the said chancellor or vice-chancellor shall direct, of the amount of such appraisalment, and the payment of all expenses attending it, the said chancellor or vice-chancellor shall make a decree or order, particularly describing the lands and reciting the appraisalment and the mode of making it, and all other facts necessary to a compliance with this [section] of this act; and when the said decree or order shall be recorded in the office of the clerk of the county in which the land is situated, whose duty it shall be to record the same, the said corporation shall be possessed of all such lands, for the purpose of the said road, and may enter

upon, and take possession, and use the same. In case any married woman, infant, idiot, insane person, or non-resident, who shall not appear after such notice, shall be interested in any such land, the said chancellor shall appoint some competent and disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

§ 9. The said corporation is hereby authorised to construct, <sup>Road</sup> erect, build, make and use, a single, double or treble rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course or way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, and shall have power to erect and maintain toll-houses and other buildings for the accommodation of their concerns as they may deem suitable to their interests.

§ 10. Whenever it shall be necessary for the construction <sup>Crossing</sup> of their single, double or treble rail-road or way, to intersect <sup>streams or</sup> or cross any stream of water or water courses, or any road or <sup>roads.</sup> highway betwixt the places prescribed by the first section of this act, it shall be lawful for the said corporation to construct their way or ways across or upon the same; but the corporation shall restore the stream or water course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

§ 11. It shall be lawful for the owners of the land over <sup>Crossing the</sup> which said rail-road shall be constructed, to cross the said rail- <sup>rail-road.</sup> road with his or her servants, cattle, teams and carriages, for the purpose of using and managing their respective farms, over which the said rail-road shall pass, doing no unnecessary damage to said rail-road.

§ 12. It shall be lawful for the company hereby incorporated, <sup>Tolls.</sup> from time to time to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single, double or treble rail-road or ways aforesaid, hereby authorised to be constructed, erected, built, made and used.

§ 13. If any person shall wilfully do or cause to be done, <sup>Penalty.</sup> any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said corporation double the amount of damages sustained by means

of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt.

**Calls on  
stockholders.**

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the cities of New-York, Hudson, Albany and Troy, and in the villages of Poughkeepsie and Newburgh, and also in one of the public newspapers in the county of Westchester.

**General  
powers.**

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

**Annual  
report.**

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all monies expended by said company, for repairs or otherwise, for the purpose of said rail-road.

**State may  
purchase  
road.**

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the re-payment to the said corporation of the amount expended by them in the construction of said rail-road, together with all monies expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all monies expended by said company, for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

**Branches.**

§ 18. For the purpose of continuing the branches of said rail-road into the states of Connecticut and Massachusetts, the corporation shall have and possess, with the consent of the legislatures of those states, the same powers, privileges and authority, as have by this act been given for the construction and management of the main rail-road.

**Rights re-  
served.**

§ 19. The legislature may at any time alter, amend, modify or repeal this act.



## CHAP. 163.

AN ACT to amend the act passed April 22d, 1831, entitled, "*An act to provide for sick and disabled Seamen.*"

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The trustees of the Seamen's Fund and Retreat are hereby released and discharged from all claim or demand for, by reason or on account of the boarding of any masters, mates or mariners who may have been received, boarded or provided for by the health commissioners of the city of New-York, at the hospitals situated at the quarantine ground on Staten Island, during the year one thousand eight hundred and thirty-one, and which have been or may be so received, boarded and provided for during the year one thousand eight hundred and thirty-two, under the direction of the health-officer, and by him detained in the quarantine hospital; and that the said health commissioners in their accounts with the comptroller of this state, be credited with the amount of said claims or demands so hereby discharged.

§ 2. The trustees of the Seamen's Retreat shall pay to the supervisors of the county of Richmond, all fees, expenses and charges which may be incurred by the said county for the transportation, confinement, trial or maintenance of any mariner or seafaring person not being a citizen of said county, charged with the commission of any crime or misdemeanor within the limits of the said retreat, or who shall be under the charge of the said trustees, such expenses to be paid by the said trustees upon the order, in writing, of the said supervisors, and duly attested by the affidavit of the clerk of the said county.

## CHAP. 164.

**AN ACT to amend an act, entitled "An Act to authorise the construction of a Canal from the head of Seneca Lake to Elmira."**

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The commissioners of the canal fund shall be, and they are hereby authorised and directed to borrow, from time to time, on the credit of this state, at an interest not exceeding five per centum per annum, such sum or sums of money as shall be necessary to complete the canal and feeder mentioned in the act hereby amended, not exceeding in amount the sum of sixteen thousand dollars, in the manner directed in and by the second section of the said act, and pay the said moneys so to be borrowed to the canal commissioners, to be applied in the completion of the aforesaid act.

§ 2. The powers and duties conferred on the canal board, by chapter nine, title nine and article fourth of the first part of the Revised Statutes, are hereby extended to the Chemung canal.

§ 3. The powers and duties conferred on the canal appraisers, by chapter nine, title nine and article third of the first part of the Revised Statutes, are hereby extended to the Chemung canal.

## CHAP. 165.

**AN ACT to extend the Charter of the Bank of Orange County, for a limited period.**

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter extended to 1862.

§ 1. The act entitled "An act to incorporate the stockholders of the Bank of Orange County," passed April 6th, 1813, and all acts and parts of acts relating to the same, which are now in force, shall be and they are hereby continued in force until the first day of January, which will be in the year of our Lord one thousand eight hundred and sixty-two; except that from after filing the assent hereinafter mentioned, so much and such parts of said act as may be repugnant to such of the provisions contained in the eighteenth chapter of the first

part of the Revised Statutes, as are not repealed, and the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829, shall be and they are hereby repealed; subject, however, to the modifications mentioned in the third section of this act.

§ 2. The said corporation shall be subject to such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, as are not repealed, from and after filing the assent hereinafter mentioned, except so far as the same are modified by the act last recited, in the next preceding section. General provisions.

§ 3. The said corporation shall be subject to the operation of the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829, from and after the filing of the assent hereinafter mentioned, except the twenty-seventh section of the said last mentioned act, which shall be binding upon the said corporation, from and after the first day of March, in the year of our Lord one thousand eight hundred and thirty-three. Act of April 2, 1829.

§ 4. The provisions of the acts relative to the said corporation, now in force, regulating the amount of notes or bills loaned or put in circulation, and the amount of the loans and discounts of said corporation, shall be in force and obligatory upon said corporation, until the first day of March, in the year one thousand eight hundred and thirty-three. Circulation of notes.

§ 5. It shall not be lawful for the said corporation to take a hypothecation of its own stock as security for any loan or discount made by such corporation. Loans.

§ 6. The charter of the said bank of Orange County, shall not be hereby continued or extended, unless the said corporation shall, on or before the first day of March, in the year eighteen hundred and thirty-three, signify its assent to and acceptance of the provisions of this act, by causing to be filed with the comptroller of this state, a certificate thereof, under the corporate seal of said corporation, signed by the president and cashier of said corporation, also a certificate of one or more of the bank commissioners, setting forth the condition of said corporation, and its abilities to fulfil its engagements, and that the capital stock has been actually paid in and remains undiminished. Assent to be given.

§ 7. If said corporation shall become insolvent before the first day of March, in the year of our Lord one thousand eight hundred and thirty-three, no creditor of said corporation shall, in such case, be entitled to any contribution or payment from the "Bank Fund," or any of the benefits arising therefrom. Saving clause.

Transfer.

§ 8. No transfer of the stock of said corporation shall be hereafter made, except by a regular transfer, signed by the holder of such stock, or his, her or their legal representatives, upon the transfer book of said corporation.

Stock.

§ 9. The capital stock of the said corporation may, on filing the assent herein before mentioned, be reduced to and fixed at one hundred and four thousand dollars, divided into eight thousand shares of thirteen dollars each; and the reduction thereof may be made in such manner, and subject to such regulations as the president and directors may prescribe and adopt.

Rights reserved.

§ 10. The legislature shall have power at any time hereafter, to modify, alter or repeal this act.

## CHAP. 166.

### AN ACT to incorporate the *Saratoga and Fort-Edward Rail-Road Company*.

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation created.

§ 1. John H. Steel, Gideon M. Davison, John Clarke, Miles Beach, Rockwell Putnam, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the Saratoga and Fort-Edward rail-road company, with power to construct a single or double rail-road or way betwixt the village of Saratoga Springs and the village of Fort-Edward, commencing at the village of Saratoga Springs, in the county of Saratoga, and ending at or near Fort-Edward, in the county of Washington; to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the corporation hereby created, shall not, within three years from the passage of this act, commence the construction of said rail-road or ways, and expend at least the sum of fifty thousand dollars thereon, and shall not within six years from the passage of this act; construct, finish and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; which shall be deemed personal

property, transferrable in such manner as the said corporation shall by by-laws direct.

§ 4. Churchill C. Cambreleng, John Townsend, James Porter, John I. De Graff, Thomas Palmer, Gideon M. Davison, and Harmon Gansevoort, shall be commissioners, the duty of whom it shall be, within the period of six months after the passing this act, at some suitable places in the counties of Washington or Saratoga, or in the cities of Albany and New-York, or in either of them, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners, of the time and place of the opening of such books in one of the public newspapers in each of the counties and cities aforesaid: and the said commissioners shall, at the time of any subscription by any person or persons for the capital stock of said incorporation, require the payment to them by the person or persons subscribing, ten dollars towards and upon every hundred dollars so subscribed, and unless the same shall be paid the subscription shall be invalid; and in case a greater amount of capital stock shall be subscribed than the sum of two hundred thousand dollars, the said commissioners shall distribute the stock in such manner as they shall deem equitable and proper. And whenever the said capital stock shall have been subscribed, and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give twenty days' notice in a public newspaper in each of the counties and cities aforesaid, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose nine directors. And such election shall be then and there made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners. And the said directors shall have power to appoint an engineer, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way, for the said road, from the village of Saratoga Springs to the village of Fort-Edward aforesaid; and the said directors shall, after such examinations and surveys shall be made, select, and by two certificates under their hands and seals, designate the line, course or way which they may deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the clerk of the

Subscriptions  
to stock.

Directors to  
be chosen.

county of Saratoga, and one in the office of the clerk of the county of Washington ; which line, course or way, so selected and certified, shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make their single or double rail-road or ways, as hereinafter mentioned ; the expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

**President.**

§ 5. The said directors to be chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their own number, one president, and one other person to be vice-president ; and in case of the death, resignation or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen ; and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors ; and in case of the absence of the president and vice-president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

**Election.**

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved ; but such election may be held at any other time within sixty days thereafter.

**Real estate.**

§ 7. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto : and may also receive, hold and take all such voluntary grants and donations of land and real estate for the purpose of said road, as shall be made to the said corporation to aid in the construction, maintenance and accommodation of the said single or double rail-road or way : but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them ; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the fourth cir-

cuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Saratoga, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same, and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisalment of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the register of the court of chancery, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

§ 8. In case any married woman, infant, idiot or insane person or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident. Rights of infants, &c.

§ 9. The said corporation is hereby authorised to construct Road. erect, build, make and use, a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, and shall have power to erect and maintain toll-houses

and other buildings for the accommodation of their concerns, as they may deem suitable to their interests. Nothing in this act shall be construed to authorise the said company to receive from the Champlain canal any freight which may have been placed thereon, in boats or otherwise, for transportation.

Crossing  
streams and  
roads.

§ 10. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road or highway lying betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; provided that the corporation shall restore the stream or water courses, or road, or highway, thus intersected to its former state, or in a sufficient manner not to have impaired its usefulness; and shall, moreover, erect and maintain sufficient fences upon the line of the route of their single or double rail-road or ways.

Tolls.

§ 11. It shall be lawful for the company hereby incorporated, from time to time to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single or double rail-road or ways aforesaid, hereby authorised to be constructed, erected, built, made and used.

Penalty.

§ 12. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Calls on  
stockholders.

§ 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the cities of New-York and Albany, and in the counties of Saratoga and Washington.

Crossing ca-  
anal.

§ 14. Nothing in this act shall be deemed to authorise the said corporation to construct their single or double rail-road or ways across the Champlain canal, without the written authority of the canal commissioners, and in the mode and manner to be prescribed by the said commissioners, who are hereby authorised



to grant permission to the said corporation to construct their said rail-road, way or road across said canal, on receiving satisfactory evidence that it is indispensably necessary to the construction of said rail-road or way, and that it will be done in a manner that shall not in any degree obstruct the transportation upon said canal.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said road, with interest on such sums at the rate of fourteen per cent per annum, together with all moneys expended by the said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 18. The legislature may at any time alter, amend, modify or repeal this act. Rights reserved.

## CHAP. 167.

### AN ACT to incorporate the Warren County Rail-Road Company.

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. John Baird, and such other persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of "The Warren County Rail-Road Company," for the purpose of constructing Corporation created.

a single or double rail-road or way, from some proper point on the Champlain feeder, at or near the village of Glen's Falls, to the village of Caldwell, privileged to extend the same to some convenient point on the east or middle branches of the Hudson river in the town of Wartensburgh; to take, transport, carry and convey, property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

*Time limited.*

§ 2. If the corporation hereby created, shall not within three years from the passage of this act, commence, and within five years thereafter, construct, finish and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

*Stock.*

§ 3. The capital stock of the said company shall be two hundred and fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, and be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

*Subscription to stock.*

§ 4. John Baird, Dudley Farlin, John Osborn, Pelatiah Richards, William McDonald, Alonzo W. Morgan, Duncan McMartin, Halsey Rogers, Robert Gilchrist, William Caldwell, Jesse Buel, Peter Smith, Jerad H. Coster, James B. Murray, Russel H. Nevins, and John C. Stevens, shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the village of Glen's Falls, or in the city of Albany, or in the city of New-York, or in each and all the places as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation; which books shall be kept open for subscription for the space of three successive days; and within ten days thereafter, the said commissioners shall meet in the city of Albany, and five of them being present, if more than two hundred and fifty thousand dollars shall have been subscribed, they shall distribute the stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless two dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

*Notice.*

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers published in the city of Albany, for a meeting of the stockholders, at such

time and place in said city, as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors; the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said railroad to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said railroad. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 6. The first directors to be chosen, shall hold their offices Directors. till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June in each year, at such time and place in the city of Albany as the directors shall appoint, giving at least fourteen days' previous notice, in one of the public newspapers printed in said city. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors; the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen, shall elect as soon as may be, after the said first meeting and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should happen at any time that an election Election. of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held.

§ 8. The directors shall have full power to make all need- By-laws. ful and proper rules, regulations and by-laws, for the manage-

ment and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, and appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

Real estate.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to the price, and before making any portion of the said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the fourth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Warren, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed two dollars each a day for their services. Upon proof

to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the fourth circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon, and take possession, and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident. Rights of infants, &c.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished. Tolls.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt. Penalty.

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or way across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not have impaired its usefulness. Crossing streams or roads.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such Calls on stockholders.

times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of Albany.

General pow-  
ers.

§ 15. This said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

Annual re-  
port.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

State may  
purchase  
road.

§ 17. If the legislature of this state shall at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the re-payment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for the permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per cent per annum, together with all monies expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Rights re-  
served.

§ 18. The legislature may at any time alter, modify or repeal this act.

## CHAP. 168.

AN ACT relating to the sale of Lands belonging to the Mount-Hope and Lumberland Turnpike Road Company.

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The directors of the Mount-Hope and Lumberland turnpike road company, or any one or more of them, shall have a full right to purchase at public sale any of the lands belong-

ing to said company, and a title in pursuance of such purchase shall vest in such purchaser, his heirs or assigns, in the same manner and with the same force and effect as though he were not a director : *Provided*, That the said directors, or the person holding said land in trust for said company, shall give public notice of the time and place of sale, to be published once a week for at least six weeks immediately preceding such sale in the Albany Argus, the Independent Republican, printed in Goshen, Orange county, and in the Watchman, a paper printed in Monticello, Sullivan county.

## CHAP. 169.

AN ACT *altering the name of Thomas J. Crowe.*

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From and after the passage of this act, Thomas J. Crowe, of the city of New-York, shall be called and known by the name of Thomas J. Crowen.

## CHAP. 170.

AN ACT *in relation to the Recording of Mortgages belonging to the Trustees of Franklin Academy, in the County of Franklin.*

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The clerk of the county of Franklin is hereby authorised and required to record all mortgages on real estate belonging to the trustees of Franklin academy at Malone, in said county, and by the said trustees deposited or to be deposited in the office of the said clerk for record, in a book to be provided by the said trustees for that purpose, upon such terms, in respect of the fees for recording the same, as may be mutually agreed on between the said trustees and the clerk, for the time being, of the said county of Franklin ; provided the said book be obtained and deposited in said office with as little delay as possible.

§ 2. The said books shall be numbered as the next after that now in use in the said office for the recording of mortgages, and the mortgages recorded therein shall be entered by the

said clerk in the usual manner, in the general index to the books of mortgages kept in said office, with a reference to the number and pages of the said book where the record of the said mortgages may be respectively found.

§ 3. The said book shall at all times be kept in the office of the said clerk, and shall be open to public inspection as are other books of records kept in said office.

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## CHAP. 171.

**AN ACT to continue the act entitled “An Act to enable  
resident Aliens to Hold and Convey Real Estate.”**

Passed April 17, 1832.

*The People of the State of New-York, represented in  
Senate and Assembly, do enact as follows:*

§ 1. The time allowed by the act entitled “An act to enable resident aliens to hold and convey real estate,” passed April 15th, 1830, for an alien to make and file his deposition or affirmation be continued until the fifteenth of April next, until which time all the provisions of the aforesaid act are hereby extended.

§ 2. This act shall take effect immediately after its passage.

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## CHAP. 172.

**AN ACT to change the name of Frederick Charles Bruce,  
and others therein named.**

Passed April 17, 1832.

*The People of the State of New-York, represented in  
Senate and Assembly, do enact as follows:*

§ 1. The surname of Frederick Charles Bruce, William Henry Bruce, and Mary Elizabeth Bruce, all of the city of New-York, is hereby changed to that of their adopted father, Frederick Gebhard, and they shall hereafter be called and known respectively by the names of Frederick Charles Gebhard, William Henry Gebhard, and Mary Elizabeth Gebhard.



## CHAP. 173.

## AN ACT to incorporate the Watertown and Rome Rail-Road Company.

Passed April 17, 1882.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Orville Hungerford, Henry H. Coffeen, and such Corporation created. others as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of "The Watertown and Rome Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point in the village of Rome, in the county of Oneida, to the village of Watertown, in the county of Jefferson, and of continuing the said single or double rail-road or way, to such point on the River St. Lawrence, or on Lake Ontario, or both, from the said village of Watertown, as the said company may select; to take and transport, carry and convey, property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them; and the said company is hereby invested with the right and privilege of constructing, erecting, building, making and using, a single or double rail-road or way, as aforesaid, for the purposes aforesaid, and for the term of fifty years from the passage of this act.

§ 2. If the corporation hereby created, shall not, within Time limited. three years from the passage of this act, commence, and within five years thereafter, construct, finish, and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be one Stock. million of dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

§ 4. Henry H. Coffeen, Edmund Kirby, Orville Hungerford and William Smith, of the county of Jefferson, Jesse Armstrong, Alva Whedon, Artemas Trowbridge and Seth B. Roberts, of the county of Oneida, Hiram Hubbell, Benjamin H. Wright, Caleb Carr and Edwin Hart, of the county of Oswego, shall be commissioners, whose duty it shall be, or a majority of them, within one year after the passage of this act, at some suitable place in the said village of Watertown, or in the said village of Rome, or in the city of Utica, or in each or all Subscriptions to stock.

of those places, as the said commissioners, or a majority of them, shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for three successive days at least; and within ten days thereafter, the said commissioners, or a majority of them, shall meet in the village of Pulaski, in the county of Oswego; and if more than one million of dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions unless five dollars on each share be paid at the time of the subscription. Notice by publication in one of the newspapers published in Watertown, Rome and Pulaski, of the time and place of opening of said books, shall be given for fourteen days previous to the day appointed for that purpose.

Distribution  
of stock.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers printed in Watertown and in Rome, for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose thirteen directors; and such election shall then and there be made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, and relating to the formation of said corporation, shall be paid for by the said corporation.

Directors.

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the village of Watertown, as the directors shall appoint, giving fourteen days' notice previously, in one of the public newspapers printed in said village. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the directors. All elections shall be by

ballot, and a plurality of votes shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days immediately previous to such election: and the directors so chosen, shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, one of their own number, as president. In case of the death, resignation or absence of the president, the board of directors shall have the power of appointing a president pro tempore. The place of doing business by the said corporation, shall be in the village of Watertown aforesaid.

§ 7. In case it should at any time happen that an election <sup>Election.</sup> of directors shall not be made, the said corporation shall not, for that cause, be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

§ 8. The directors shall have full power to make all need- <sup>By-laws.</sup> ful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of said corporation, the transfer of shares, and for the regulation of the conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of tolls, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation; and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

§ 9. The corporation is hereby empowered to purchase, <sup>Real estate.</sup> receive and hold such land as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land, as shall be made to the said corporation for the purposes aforesaid, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corpo-

ration, or the owner of such land, may apply by petition to the vice-chancellor of the fifth circuit, particularly describing the lands to be appraised, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county in which the land described in said petition is situate, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services and expenses. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the fifth circuit, the said corporation shall be possessed of all such land, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of in-  
fants, &c.

§ 10. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

Tolls.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

§ 12. If any person shall wilfully do or cause to be done, Penalty. any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 13. Whenever it shall be necessary for the construction Crossing streams or roads. of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the said corporation shall restore the stream or water course, or road, street or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

§ 14. It shall be lawful for the directors to require pay- Calls on stockholders. ment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in two public newspapers, one published in the village of Watertown, and the other published in the village of Rome.

§ 15. The said corporation shall possess the general powers, General powers. and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

§ 16. When the said rail-road shall be completed, the di- Expenses. rectors shall make a full and detailed statement of the expense of constructing the same, under the oath of at least two of said directors, and shall cause the same to be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years thereafter, file in said office a statement of tolls received on said rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

§ 17. If the legislature of this state shall, at the expiration State may purchase road. of ten, and within fifteen years from the completion of said road, make provision by law for the repayment to the said corporation of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on said sums from the time of their expenditure, at

the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Rights reserved.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 174.

### AN ACT to incorporate the Black River Company.

Passed April 17, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Vincent Le Ray de Chaumont, Eli West, Samuel Allen, Ela Collins, John W. Martin, Jere Carrier, Elisha Camp, John Brown, Abram Parish, Charles A. Mann, George Varigh, Ralph Clapp, John Felt, Isaac W. Bostwick, Homer Collins, James McVickar, Peter Schuyler, George Brayton, Benjamin P. Johnson, and such other persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of the Black River Company, for the purpose of connecting, by rail-roads or canals, the Erie canal, at a point at or near the village of Rome, or the village of Herkimer, or at any point between the said villages, with the waters flowing into the St. Lawrence at Ogdensburg, which are or may be rendered navigable with the St. Lawrence at Cape Vincent, and with Lake Ontario at Sacket's-Harbor; and also, so to improve the Black river, between the High Falls on said river and the village of Carthage, as to render it navigable by steamboats, with the right in said corporation thus to navigate said river.

Sections.

§ 2. The said Black river company are hereby authorised to construct either one or all of the following sections on said route or routes: *Provided*, That one or more of them shall have been completed within the term of three years from the passage of this act; and that in such an event, a further term of ten years be allowed said corporation for perfecting the whole route, or any of the sections hereafter enumerated, to wit:

1. A section from the Erie canal to the High Falls of the Black river:

2. A section from the latter through the county of Lewis and the village of Watertown to Sacket's-Harbor :

3. A section from Carthage to Sacket's-Harbor.

4. A section from either the second or third to the village of Cape Vincent :

5. A section from the village of Carthage to the navigable waters leading to the village of Ogdensburg :

6. A section for the improvement of the Black river from the High Falls to Carthage, and for the navigation of the same by steam-boats : and they are hereby authorised to take and carry persons and property upon said route or routes, by the power and force of steam, of animals, or of any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act. But if said corporation shall not, within the term of three years, complete one of the above sections as aforesaid, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall not exceed nine hundred thousand dollars, and shall be divided into shares of fifty dollars each ; and the commissioners shall not be required to open the books, at first, for a greater sum than thirty thousand dollars, or such other sum as may be thought necessary to complete one section ; but whenever it shall be deemed expedient and proper to increase the capital of said company, their books shall be opened for subscriptions to such additional stock, and the same shall be distributed in manner and form as hereafter prescribed in sections four and five. Stock.

§ 4. V. Le Ray de Chaumont, Eli West, Samuel Allen, Ela Collins and John W. Martin, shall be commissioners, whose duty it shall be, within two years after the passage of this act, at some suitable place in the village of Carthage, or in the village of Lowville, or in the city of New-York, or in each and all those places, as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days ; and the attendance of any one of said commissioners, duly authorised by his colleagues for the purpose of receiving such subscriptions, shall be deemed sufficient. And within fifteen days thereafter, the said commissioners shall meet in the village of Carthage, and if more than thirty thousand dollars, or such other sum as the said books shall have been opened for, shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication, in one of the newspapers published in the city, Subscription to stock.

village or county, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

*Directors.*

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in the same manner as directed in the preceding section, for a meeting of the said stockholders, at such time and place as the said commissioners shall appoint, to choose not less than five nor more than thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either by person or proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-roads or canals, or for the improvement of the navigation of the Black river, to be made, as may be necessary for the purpose of carrying into effect the objects of the aforesaid company. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

*When and how to be elected.*

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place on the line of said road or canal, or within its vicinity, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in the city of New-York, and in such other public newspaper or papers, as the said directors shall at the time deem necessary for the information of said stockholders. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, for every share held by him for thirty days previous to such election: and the directors so chosen shall elect, within three days thereafter, out of their own number, a president. In case of



the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any time directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held. Election.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, and to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation. By-laws

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of the said rail-roads or canals, or for the improvement of the navigation of the Black river, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purposes of said roads or canals, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the route or routes, as aforesaid: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of the said road or canal on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the circuit in which such lands shall lay, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such materials, land or real estate will sustain by the use or occupation thereof by the said cor- Real estate.

poration ; and the said vice-chancellor shall appoint three competent disinterested commissioners, who shall be freeholders and residents of the same county ; and who shall, under the direction of the vice-chancellor, make appraisements and determine damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the materials, land and real estate appraised.— The commissioners shall be allowed three dollars each day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution, as the vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the materials, land and real estate, and reciting the appraisal of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act ; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the said circuit the said corporation shall be possessed of all such materials, land or real estate, and may enter upon, take possession, and use the same for the purposes prescribed by this act of incorporation.

Rights of infants, &c.

§ 10. In case any married woman, infant, idiot or insane person or non-resident of the state, who shall not appear after such notice, shall be interested in any such materials, land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Tolls.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-roads, canals, or improved navigation of the Black river, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any section thereof shall be finished.

Penalty.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 13. Whenever it shall be necessary for the construction of any rail-road, canal or improvement of the navigation of the Black river, contemplated by this act, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation, to proceed across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same; and such notice shall be published in the newspaper or papers, as had previously been employed to publish the notice for opening the books of subscription to the capital stock of said company.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

§ 16. The directors of said company shall make an annual report of their proceedings and expenditures, verified by the affidavits of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said route or routes, file in said office a detailed statement of tolls received on or from said improvements, and of all moneys expended by said company for repairs or otherwise, for the purposes aforesaid.

§ 17. If the legislature of this state shall, after the expiration of ten and within fifteen years from the completion of said route or routes, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, canal, or improvement of the navigation of Black river, and for permanent fixtures for the use of said improvements, with interest on such sums, at the rate of fourteen per cent per annum, together with all moneys expended by the said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said route or routes, then the said rail-road, canal and improvements of the navigation of the Black river, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Side cuts.

§ 18. The said corporation may make side-cuts or feeders from the said Black river, or other streams if more convenient, and use the waters of those streams and feeders, by paying to the owner or owners of mills and other hydraulic works, all damages which they may sustain in consequence of a deprivation of said waters, when the same shall be ascertained in the manner heretofore prescribed, in relation to real estate, and to use the waters of any other stream or streams on said route, convenient and necessary for constructing, maintaining and keeping in repair any canal or river navigation, on said route or routes.

Obstructions.

§ 19. The said corporation may remove any bridge, wharf or other obstruction, and may fill up any basin or watering place, which shall be built, erected or created, without their consent, over or connected with said canal, at the expense of the person so making and erecting the same, and for all damages done to the said canal and river navigation, or the works connected therewith, the said corporation may sue for and recover the same, in any court having cognizance thereof.

Bridges, &amp;c.

§ 20. Whenever said rail-road or canal shall pass over or through any lands the property of any person or persons, the owner or owners, or occupants thereof, are hereby authorised, at all times thereafter, to pass and repass over and across said road or canal, by means of bridges or otherwise, at such point or place, upon the lands of such person or persons, if no unnecessary harm or damage is thereby done to the works, fixtures, or other property of said company.

Rights reserved.

§ 21. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 175.

AN ACT to incorporate the *New-York Fire Insurance Company of the City of New-York.*

Passed April 18, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation created.

§ 1. James W. Dominick, and all such persons as shall be associated with him, be and are hereby declared to be a body corporate, in name and in fact, by the name of "The New-York Fire Insurance company of the city of New-York," and to continue for thirty years.

Stock.

§ 2. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each; and it shall not be lawful for the said corporation to commence any business whatever,

until the whole amount of the capital stock shall be subscribed and paid for, or secured by bond and mortgage on real estate within this state, worth at least double the value for which the same shall be mortgaged, exclusive of buildings, unless the same shall be insured, or by the public stocks created by this or any other state, or by the United States, or an incorporated city or bank of this state, which shall be, at the time at or above par value in the market.

§ 3. The stock, property and concerns of the said incorporation shall be managed by twenty-five directors who shall be stockholders, one of whom shall be president thereof, who shall hold their offices for one year, and until others shall be appointed, and no longer; which directors shall be appointed on the second Wednesday in February, at such time and place in the city of New-York, as a majority of the directors shall appoint; of which public notice shall be given in two of the newspapers printed in New-York, at least ten days previous to said election; and such election shall be made by ballot, by a plurality of the stockholders present, allowing one vote for every share; and the stockholders not present may vote by proxy: *Provided*, All the votes be given by citizens of the United States inhabiting this state. Directors.

§ 4. The first directors of the said corporation shall be James W. Dominick, Nicholas Dean, Samuel Akerly, Samuel W. Lowerre, John Anderson, Henry Erben, Lewis Seymour, John Leveredge, Samuel Willets, John Sampson, Isaac K. Jessup, Samuel N. Dodge, William N. Chadwick, James Rowe, Samuel G. Wheeler, John Redfield, William Scott, Effingham H. Warner, John M. J. Labatut, Jacob S. Platt, Peter Neefus, Richard J. Hutchinson, William H. Falls, Thomas Truslow and Joseph Piggott, who shall hold their offices until the second Wednesday of February, in the year one thousand eight hundred thirty-three; and shall choose out of their body one person to be president; and in case of the death, resignation or inability to serve, of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors. First directors.

§ 5. The books of subscription of the capital stock of this corporation shall be opened under the inspection of the commissioners for receiving such subscriptions in the city of New-York, at such places and times as they shall appoint, and may be continued open until the capital stock shall be subscribed: notice of which shall be given in two of the newspapers printed in the city of New-York, at least ten days previous to opening such subscription; and five dollars on each share subscribed shall be paid to the commissioners at the time of making the subscription; and the commissiners shall be James W. Dominick, Samuel Willets and Samuel W. Lowerre. Subscription to stock.

Contracts of  
insurance  
company.

§ 6. The president and directors shall have the power and authority, in the name and on the behalf of the said corporation, to make contracts of insurance with any person or persons, body politic or corporate, against losses by fire of any houses or buildings whatsoever, and of any goods, chattels or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modification or restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance; and the policies of insurance shall be subscribed by the president, or in his absence, by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in like manner, and with the like force, as if under the seal of the said corporation.

Purchase of  
stock.

§ 7. It shall be lawful for the said corporation to purchase and hold any of the stocks or funded debt designated by the second section of this act for the purpose of investing their surplus profits, or any part thereof; and also to sell and transfer the same, and again invest the same, or any part thereof, in such stock or funded debt, whenever and as often as the exigencies of the said corporation, or a due regard to the interests of the said corporation shall require.

General provisions.

§ 8. The corporation created by this act shall be subject to the operations of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Statement of  
funds.

§ 9. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book to be provided for that purpose, a full and true statement of the funds, property and securities of the said corporation, shewing the amount in real estate, in bonds and mortgages, in notes and other securities in public debt or other stock, and the amount of debts due to and from the said corporation; which statement shall be certified by the president and secretary, and shall be open to the inspection of every stockholder of the said company during the usual hours of business in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or to submit the same when required, they, and each of them, shall forfeit and pay to any person so requiring the inspection of such statement, and being, at the time of such neglect or refusal, a stockholder of the said company, the sum of five hundred dollars, to be sued for and recovered by such stockholder, to his own use, in any court having jurisdiction to that amount; but such suit shall be commenced within thirty days after the annual election of directors of said company.

§ 10. The office for the transaction of the business of said Office. company, shall be located in that part of the city of New-York, commonly known as Chatham Square, and not elsewhere.

§ 11. The legislature may at any time hereafter, alter modify or repeal this act, of any of its provisions. Rights reserved.

§ 12. It shall not be lawful for the said corporation to commence any business under this act, until the president and secretary of said corporation shall have made a deposition in writing, before the mayor or recorder of the city of New-York, and filed the same in the office of the clerk of the city and county of New-York, that the capital stock of said corporation has been paid in or secured to be paid, according to the provisions of this act; and every person guilty of wilful false swearing in the premises, shall be subject to all the pains and penalties of perjury. Deposition to be filed.

## CHAP. 176.

AN ACT to revive and amend an act, entitled, "*An Act to incorporate the Bellvale Turnpike Company,*" passed March 9th, 1810.

Passed April 18, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The act entitled "*An act to incorporate the Bellvale Turnpike company,*" passed the ninth day of March, one thousand eight hundred and ten, is hereby renewed and continued in force; and all acts done in pursuance of, and in accordance with the provisions of that act, and the "*act relative to turnpike companies,*" passed the thirteenth day of March, one thousand eight hundred and seven, are hereby declared to be as valid and effectual as if the act hereby renewed and the corporate powers in said act contained, had not expired. But nothing contained in this act shall be so construed as to affect any suit heretofore or now depending against the said company. Act renewed.

§ 2. The president and directors may at any time alter the location of their turnpike gate: and the corporation hereby renewed shall possess the general powers and privileges, and be subject to the general liabilities of turnpike incorporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes; except so far as the same shall be altered by this act. Gate.

Act when to  
take effect.

§ 2. This act shall take effect from the passage thereof; but the legislature may at any time alter, amend or repeal the same.

## CHAP. 177.

*AN ACT to extend and continue in force the incorporation of the Schenectady Manufacturing Company.*

Passed April 18, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Act extended

§ 1. The incorporation named the Schenectady Manufacturing company, which was created under the act entitled, "An act relative to incorporations for manufacturing purposes," passed March twenty-second, eighteen hundred and eleven, and which incorporation was altered and extended by an act entitled "An act to authorise the trustees of the Schenectady Manufacturing Company to increase their capital stock, and for other purposes," passed March the fourth, eighteen hundred and fourteen, is hereby extended and continued in force, as the same was altered and extended by said last mentioned act, until the expiration of twenty years from and after the time when this act shall become a law.

General powers.

§ 2. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Right to repeal.

§ 6. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 178.

*AN ACT authorising the appointment of a Supreme Court Commissioner, to reside in the western part of the County of Onondaga.*

Passed April 18, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be appointed in the manner now prescribed by law, a supreme court commissioner, who shall reside in the western part of the county of Onondaga, and who shall possess the powers of a supreme court commissioner as defined



and limited in the second article of the second title of the third chapter of the third part of the Revised Statutes.

§ 2. This act shall be in force and take effect immediately after its passage.

## CHAP. 179.

### AN ACT to incorporate the City of Buffalo.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The district of country in the county of Erie within the following bounds, that is to say: Beginning at a point in the west bounds of the state, due west from the southwesterly termination of York-street; thence to the northwesterly line of said York-street at its southwesterly termination; thence along the northwesterly bounds of York-street to the northerly side of the Guide Board road; thence easterly along the northerly bounds of said road to the westerly line of lot number twenty-two, in the eleventh township and eighth range; thence southerly along the west bounds of lot number twenty-two and part of lot number sixteen, in said township and range to the easterly termination of the north line of Eagle-street; thence easterly along a line which would be a continuation of the north line of Eagle-street to the Buffalo Creek Reservation; thence southwesterly along the line of said reservation to the south bank of Big Buffalo Creek; thence down the south bank of said creek to the northeasterly corner of a piece of land called the Gore; thence along the northwesterly bounds of said Gore to Lake Erie; thence due west to the state line; thence northerly to the place of beginning: shall hereafter be known by the name of the city of Buffalo. Bounds of the city.

§ 2. The inhabitants of said city shall be a corporation by the name of the "City of Buffalo," and may sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; and take, hold, purchase and convey, such real and personal estate, as the purposes of the corporation may require. Corporation created.

§ 3. The said city shall be divided into five wards as follows, to wit: all that part of the city which lies south and east of the following lines, to wit: Five wards.

1. Beginning at a point in the said reservation, where a line drawn through the centre of Crow-street would strike said reservation; thence along said line to the centre of Crow-street; thence proceeding westwardly along the centre of said street First.

to Cazenovia Terrace; thence to the centre of Cazenovia Terrace; thence westerly and northerly along the centre of said Terrace to the centre of Erie-street; thence along the centre of Erie-street to the centre of the Erie canal; thence along the centre of the canal to the west bounds of York-street; thence down the west bounds of York-street to lake Erie; thence due west to the state line, shall be denominated the first ward of said city:

Second.

2. All that part of the said city which lies east of the centre of Main-street, and north of the centre of Crow-street, and north of a line drawn through the centre of Crow-street, to the said Reservation, and south of the centre of Eagle-street, and south of a line to be drawn in continuation of the north line of Eagle-street to the Buffalo Creek Reservation, shall be denominated the second ward of said city:

Third.

3. All that part of said city, lying westerly of the centre of Main-street, and northeasterly of the bounds of the first ward, and southeasterly of the northwesterly bounds of said York-street, and southwesterly of the centre of Niagara-street, shall be denominated the third ward of said city:

Fourth.

4. All the residue of said city lying east of the centre of Main-street and north of the centre of Eagle-street, shall be denominated the fourth ward of said city:

Fifth.

5. All the residue of said city lying west of the centre of Main-street and northeasterly of the centre of Niagara-street, shall be denominated the fifth ward of said city.

Officers.

§ 4. There shall be in and for said city, one mayor, ten aldermen, one clerk, one treasurer, one or more collectors, five assessors, and such other officers as are hereinafter authorised to be appointed. Which mayor, aldermen, and assessors shall be freeholders in said city.

Annual election.

§ 5. An election shall be held in each of the wards of said city on the first Tuesday in March, in each year; (after the year eighteen hundred and thirty-two,) at such place as the common council of said city shall appoint, and of which six days previous public notice shall be given in writing, in three public places in each ward, by the inspectors thereof.

Aldermen and assessors.

§ 6. At the first election under this act, and at each annual election thereafter, there shall be elected two aldermen and one assessor for each ward, each of whom shall be an actual resident of the ward in which he is elected.

Inspectors of election.

§ 7. The aldermen of each ward, or such persons as the common council shall for that purpose appoint, shall be inspectors of such election after the first; such inspectors shall have the same powers and authority as the inspectors of a general state election.

Ballot.

§ 8. The electors shall vote by ballot, and each person of ~~age~~ to vote, shall deliver his ballot, so folded as to conceal

the contents, to one of the inspectors, in the presence of the board.

§ 9. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office. How to be made.

§ 10. The polls of such election shall be opened at nine o'clock in the forenoon, and continue open until four o'clock in the afternoon of the same day, and no longer. Poll lists shall be kept in the same manner, as nearly as may be, as is provided by law for keeping poll lists at the general state election.

§ 11. Every person voting at such election, shall be an actual resident of the ward in which he so votes, and shall, if required by any person qualified to vote thereat, before he is permitted to vote, take the following oath: "You do swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years; that you have been an inhabitant of this state for one year next preceeding this election, and for the last six months a resident of this county, that you are now a resident of this ward, and that you have not voted at this election." If the person be a colored man, he shall, (if required as aforesaid,) before he is permitted to vote, take the following oath: "You do swear (or affirm) that you are of the age of twenty-one years; that for three years you have been a citizen of this state; that you have been an inhabitant of this state for one year next preceding this election, and during that time have been and now are seised and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and have been actually rated and paid a tax thereon; that you have been for the last six months a resident of this county; that you now are a resident of this ward, and that you have not voted at this election." Qualification of voters.

§ 12. After the poll of any such election is closed, the inspectors holding the same in each of said wards, shall on the same or next day, canvass the votes given at such election. The canvass shall be public, and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree. The ballots shall be counted unopened, except so far as to ascertain that each ballot is single, and if two or more ballots shall be found so folded as to present the appearance of single ballot, they shall be destroyed. Canvass.

Excess of bal-  
lots to be de-  
stroyed.

§ 13. If the ballots shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess. The ballots and poll lists being found or made to agree, the inspectors holding such election shall then proceed to canvass and estimate the votes.

Certificate of  
election.

§ 14. The canvass being completed, a statement of the result shall be drawn up in writing by the inspectors, which they shall certify to be correct, and subscribe with their names, and file the same with the clerk of said city, on the same or next day after the canvass is completed. The inspectors of each ward shall severally determine and certify who are by the greatest number of votes elected aldermen and assessors of their respective wards.

Privilege of  
election.

§ 15. No person entitled to vote at any election held under this act, shall be arrested on civil process within said city on the day on which said election is held.

First election

§ 16. The trustees of the village of Buffalo, for the time being, shall appoint the inspectors of the first election to be held under this act. Such election shall be held and conducted, and the votes given thereat, canvassed by the said inspectors, and the result determined in the manner herein before provided. The said trustees shall also appoint the time and place of holding such first election, which time shall be some day after the passage of this act, and before the first day of June next.

Vacancies.

§ 17. Vacancies in the office of alderman occurring in any manner, may be filled at a special election, called and appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other offices shall be filled by appointment by the common council. All appointments to fill a vacancy in an elective office under this act, and all appointments of mayor, clerk, treasurer, attorney for the city, police constables, collectors, street commissioners, shall be by warrant under the corporate seal, signed by the mayor, or presiding officer of the common council and clerk. In case of a failure to elect aldermen at an annual election, or if from any cause there shall be no aldermen, the clerk shall appoint the time and places for holding a special election, and appoint the inspectors. All officers appointed or elected to any office, under or by virtue of this act, shall be appointed or elected annually, and except to fill a vacancy, shall hold their respective offices for one year, and until others are chosen, and have taken the oath of office.

Police con-  
stables.

§ 18. The common council shall appoint as many police constables as they shall think proper, not exceeding one in each

ward; who shall not have power to serve any civil process out of the limits of said city (except in cases of persons fleeing from said city,) and to commit on execution where the defendant shall have been arrested within said city.

§ 19. The mayor and aldermen of said city shall constitute the common council of said city. The common council shall meet at such places and times, as they shall by resolution direct, or as the mayor, or in his absence, any two of the aldermen shall appoint. The mayor when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum.

Common council.

§ 20. The common council shall meet annually (after the year eighteen hundred and thirty-two,) on the second Tuesday of March in each year, (and in the year eighteen hundred and thirty-two, on the day following the election,) and by ballot, appoint a mayor, clerk, treasurer, attorney for the city, street commissioner, police constables, clerk of the market, one or more collectors, one or more pound masters, porters, carriers, cartmen, packers, beadle, bellmen, sextons, common criers, scavengers, measurers, surveyors, weighers, sealers of weights and measures, and gaugers. If for any cause the officers above named are not appointed on said second Tuesday of March, or the day after the election in the year eighteen hundred and thirty-two, the common council may adjourn from day to day, until such appointments are made, and no alderman shall be appointed to the office of mayor.

Officers to be appointed annually.

§ 21. If any inhabitant of said city, elected to any office in pursuance of this act, shall refuse or neglect to accept such office, and take and subscribe the oath of office, prescribed in the sixth article of the constitution, for five days after personal notice in writing from the clerk, of his election, he shall forfeit the sum of ten dollars.

Five for refusing to accept.

§ 22. Every person chosen or appointed to any executive, judicial or administrative office under this act, shall, before he enter on the duties of his office, take and subscribe, before some justice of the peace, or commissioner of deeds, the oath of office prescribed in the sixth article of the constitution of this state, and file the same duly certified by the officer before whom it was taken, with the clerk of the city.

Oath of office.

§ 23. The treasurer, street commissioner, and collector or collectors of said city, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Buffalo, in such sum, and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for,

Treasurer, &c. to give bond.

and pay over all moneys received by them respectively ; which bonds, with the approval of the common council thereon certified by the clerk, shall be filed with the clerk of the city.

Constables to  
execute bond  
with sureties.

§ 24. Every person appointed to the office of constable in said city, shall, before he enters on the duties of his office, with two or more sureties, to be approved by the common council, execute in the presence of the clerk of the city, an instrument in writing by which such constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay, by reason or on account of any execution or distress warrant which shall be delivered to him for collection. The clerk of the city shall certify the approval of the common council on such instrument, and file the same ; and a copy of such instrument, certified by the clerk, under the corporate seal, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties. All actions on any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been elected or appointed, and may be brought in the name of the person or persons entitled to the money to be collected by virtue of such instruments.

Warrant on  
treasurer.

§ 25. The treasurer shall receive all monies belonging to the city, and keep an accurate account of all receipts and expenditures, in such a manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the common council, by warrants signed by the mayor or presiding officer of the council, and countersigned by the clerk. Such warrants shall specify for what purpose the amount specified therein is to be paid ; and the clerk shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose. The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures, after the date of his last annual report, and also of the state of the treasury ; which account shall be filed in the office of the clerk.

Statement to  
be published  
annually.

§ 26. It shall be the duty of the common council, at least ten days before the annual election held under this act, in each year, to cause to be published in two or more of the public newspapers in said city, a full and correct statement in detail of the receipts and expenditures by the said common council for the contingent expenses of said city, from the date of the last annual report published in pursuance of this section, to the date of their said reports, and also a distinct statement of the whole amount of money assessed, received and expended, for making and repairing roads, highways and bridges in

said city for the same period; together with such other information, in their power to furnish, as may be necessary to a full understanding of the financial concerns of said city.

§ 27. The clerk shall keep the corporate seal, and all the papers belonging to said city, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. Corporate seal.

§ 28. It shall be the duty of street commissioner to superintend the making of all public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same; and he shall be the executive officer to carry into effect the ordinances of the common council, under the thirty-ninth, forty-first, forty-second, forty-seventh and forty-ninth sections of this act, and shall keep accurate accounts of all moneys expended by him, in the performance of any work, together with the cause of such expenditure; and to render such account to the common council monthly. Street commissioner's duty.

§ 29. The common council shall have the power to grant and allow to the mayor of said city, for the time being, in lieu of all fees and perquisites, an annual salary not exceeding two hundred and fifty dollars, payable out of the treasury. The treasurer, clerk, street commissioner, police constables, and collector or collectors, shall also be paid out of the treasury, such compensation for their services as the common council may deem reasonable. Mayor's salary.

§ 30. If any person having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office, all the property, papers and effects of every description, in his possession, belonging to the said city or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. Penalty.

§ 31. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings by notice to each of the members of said council, served personally or left at his usual place of abode. Petitions and remonstrances may be presented to the common council. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation, and shall have power within said city, to make, establish, publish, alter, modify, amend and repeal or- Meetings of common council.

Police regulations.

dinances, rules, regulations and by-laws for the following purposes :

1. To prevent all obstructions in the waters which are public highways in said city.
2. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.
3. To restrain and prohibit all descriptions of gaming and fraudulent devices in said city. And all playing of cards, dice or other games of chance, with or without betting, in any grocery, shop or store.
4. To prohibit the selling or giving away any ardent spirits by any store-keeper, trader or grocer, to be drank in the shop, store, grocery, out-house, yard or garden, owned or occupied by the person selling or giving away the same, except by inn-keepers duly licensed.
5. To forbid the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.
6. To regulate or prohibit the exhibitions of common showmen, and of shows of every kind, or the exhibitions of any natural or artificial curiosities, caravans, circusses or theatrical performances.
7. To prevent any riot, or noise, disturbance or disorderly assemblages.
8. To suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard tables, nine or ten-pin alleys, or tables and ball alleys, and to authorise the destruction and demolition of all instruments and devices used for the purpose of gaming.
9. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap-factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitant's of the said city.
10. To direct the location and direction of all slaughter-houses, markets, and houses for storing powder.
11. To regulate the keeping and conveying of gun-powder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.
12. To prevent horse-racing, immoderate riding or driving in the streets, and to authorise persons immoderately riding or driving as aforesaid, to be stopped by any person.
13. To prevent the incumbering of the streets, side-walks, lanes, alleys, wharves and docks, with carriages, carts, sleighs, sleds, wheel-barrow, boxes, lumber, timber, fire wood, or any other substance or materials whatsoever.



14. To regulate and determine the times and places of bathing and swimming, in the canals, creeks, harbors, and other waters in said city.

15. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

16. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorise the distraining, impounding, and sale of the same for the penalty incurred, and costs of proceedings.

17. To prevent the running at large of dogs, and to authorise the destruction of the same, when at large contrary to the ordinance.

18. To prohibit any person from bringing, depositing, or having within the limits of said city, any dead carcass, or other unwholesome substance; and to require the removal or destruction by any person who shall have upon or near his premises, any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind; and on his default to authorise the removal or destruction thereof by some officer of said city.

19. To prohibit the rolling of hoops, playing at ball, or flying of kites, or any other amusement or practice, having a tendency to annoy persons passing in the streets and on the side-walks in said city, or to frighten teams and horses within the same.

20. To compel all persons to keep the snow, ice and dirt from the side-walks in front of the premises owned or occupied by them.

21. To prevent the ringing of bells, blowing of horns and bugles, and crying of goods and other things within the limits of said city.

22. To abate and remove nuisances.

23. To regulate and restrain runners for boats and stages.

24. To survey the boundaries of said city.

25. To regulate the burial of the dead.

26. To direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

27. To regulate guaging, the place and manner of selling and weighing hay, of selling pickled and other fish, and of selling and measuring of wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

28. To appoint watchmen, and prescribe their powers and duties.

29. To regulate cartmen and cartage.

30. To regulate the police of said city.

31. To regulate the quality of bread, and to provide for the seizure or forfeiture of bread baked contrary thereto.

22. To establish, make and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

23. To establish and regulate public pounds.

*Duties of off.  
com.*

§ 32. The common council shall have power from time to time to prescribe the duties of all officers and persons appointed by them to any office or place whatever, subject to the provisions of this act; and may remove all such officers and persons at pleasure.

*By laws, or  
ordinances, &c*

§ 33. The common council may make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the laws of this state, for the good government and order of said city, and the trade and commerce thereof, and as may be necessary to carry into effect the powers given to said council by this act; and enforce observance to all rules, ordinances, by-laws and police regulations made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five dollars for any one offence, to be recovered with costs, in a action of debt in any court having cognizance thereof; or by indictment for misdemeanor upon the complaint of the common council. Every such ordinance or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published for three weeks successively in the corporation newspaper, printed and published in said city, and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorised to administer oaths, and filed with the clerk of the city, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law in all courts and places.

*Newspapers.*

§ 34. The common council at their annual meeting on the second Tuesday in March, in each year after eighteen hundred and thirty-two, and at their first meeting in that year, or within ten days thereafter, shall designate one public newspaper printed in said city, in which shall be published all ordinances and other proceedings and matters required in any case by this act, or the by-laws and ordinances of the common council, to be published in a public newspaper.

*Penalties  
how to be re-  
covered.*

§ 35. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name; and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act or the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may plead the general issue, and give the special matter in evidence. The first process in any

such action shall be by warrant, and execution may be issued thereon immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Erie county, for a term not exceeding thirty days. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the corporation; and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of the city.

§ 36. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Buffalo, in any action or proceeding in which the said city is a party or interested. Wisconsin, &c.

§ 37. The mayor of said city shall, by virtue of his office, have and execute the like powers in said city in criminal cases as are given by law to justices of the peace in the several towns in this state, and he shall also possess and exercise the same powers in the courts of oyer and terminer and general sessions of the peace in the county of Erie, as are by law exercised by the judges of the county courts of the said county. Mayor ex officio Erie a justice of the peace.

§ 38. The common council shall have power to cause a sum in each year, not exceeding eight thousand dollars, to be raised by tax, to defray the expenses of lighting the streets, supporting a night watch, and making and repairing roads, highways and bridges in said city, and to defray the contingent and other expenses of said city. The taxes assessed and levied in pursuance of this section, shall, except as otherwise herein directed, be assessed and rated by the said council, upon or among the owners of the estates, real and personal in said city, (according to the then last assessment roll made by the assessors of said city,) in the same manner and proportion, as nearly as may be, as taxes in and for the county of Erie are rated and assessed; and in the assessment roll made in pursuance of this section, it shall be the duty of the common council to set down and describe briefly the real estate and the amount of the personal estate on or in respect of which any assessment or tax is imposed or assessed. And no person or property exempt by law from assessments to work on highways in towns, shall be assessed or taxed for making and repairing roads, highways and bridges. In the assessment roll made under this section, all persons who would be liable by law to be assessed to work on highways, if they resided in any of the towns in this state, shall be enumerated and may be taxed by the said common council, a sum not exceeding one dollar, as a poll tax, for making and repairing roads, highways and bridges. Said assessment roll shall, when completed and corrected, be filed with the clerk of the city. All taxes and assessments imposed, Amount to be raised by tax.

rated and assessed by the said common council, in pursuance of this section, shall be collected by the collector or collectors of said city, in the same manner and with the same power and authority as taxes in and for the county of Erie are collected by the collectors of the several towns, by virtue of a warrant or warrants under the corporate seal, signed by the mayor, or by suit in the corporate name, with interest and costs. The assessment roll filed with the clerk, shall in all cases be evidence on the part of the corporation, and all taxes and assessments imposed or assessed on, or in respect of any real estate as aforesaid, shall be a lien, on filing the roll with the clerk of the city, on such real estate; and in case such taxes and assessments are not paid, and no personal property can be found by the collector or collectors, out of which to satisfy and collect the same by distress and sale, the common council may cause such real estate to be sold for the payment and collection of such taxes and assessments as aforesaid, together with the expenses of the sale, in the manner and with the effect, and subject to the provisions specified in the forty-third section of this act, relative to the sales of real estate for the non-payment of assessments in that section mentioned; but no such real estate shall be sold as aforesaid, except within one year from the time of the filing of the assessment roll as aforesaid. All taxes and sums of money raised and collected in pursuance or by virtue of this section, shall be paid to the treasurer of the city. Any person who may be assessed to raise the amount for making roads, highways and bridges, may, at his option, discharge the same in labor, at the rate of one day for each fifty cents he may be assessed for such purposes; provided such person shall, within ten days after he shall have been first called upon by the collector to pay such tax, deliver to the collector a receipt from the street commissioner, specifying that he has labored upon the highways to the amount of such assessment, at the rate above specified. The street commissioner, whenever requested by any person assessed, for making highways, roads and bridges, shall designate a time when, and not exceeding three days thereafter, and place where such person is to commence labor on the highways, under the direction of such commissioner, in discharge of such assessment: and upon the performance of such labor according to such designation, at the rate of eight hours for each day, the commissioner shall give such person a receipt therefor.

Highways.

§ 39. The common council shall be commissioners of highways in and for said city, and shall (subject to the provisions of this act) possess the powers and perform the duties, and be subject to the liabilities of commissioners of highways in towns. They shall have power to regulate, repair, amend, alter and clean the streets, alleys, highways, bridges, side and cross-

walks, drains, sewers, wharves, piers, docks and slips, in said city, and to prevent the incumbering of the same in any manner, and to protect the same from encroachments and injury. They shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees in the streets of said city.

§ 40. All those portions of the big and little Buffalo creeks within the bounds of said city, be and are hereby declared to be public highways. Buffalo creeks.

§ 41. The common council shall have power to lay out, make and open streets, alleys, lanes, highways, wharves and slips, in said city, and to alter, widen, contract or discontinue the same; but no building exceeding the value of one thousand dollars shall be removed in whole or in part, without the consent of the owner. They shall cause all streets, alleys, lanes or highways, laid out by them, to be surveyed, described and recorded, in a book to be kept by the clerk, and the same when opened and made, shall be public highways. Streets, alleys, &c. to be laid out. Whenever any street, alley, lane, highway, wharf or slip is laid out, altered or widened by virtue of this section, the common council shall give notice of their intention to take and appropriate the land necessary for the same, to the owner thereof, his agent or legal representatives, if known or residing in this state, or if not known, and residing out of the state, then by publishing said notice for four weeks in one or more of the public papers in said city; and the mayor, or any two aldermen, shall have power, by a precept under their seals, to command any constable of said city, to impanel and return a jury of twelve reputable freeholders of said city, not interested nor of kin to any person interested in the premises, to appear before him or them, within ten days from the date of such precept, to ascertain and assess the damages and recompence due the owner or owners of such land, and at the same time to determine what persons will be benefitted by such improvement, and to assess the expenses thereof, on the real estate of the persons benefitted, in proportion, as nearly as may be, to the benefit resulting to each; and also to summon the owner of such land, his agent or representatives, by written notice, served personally, or left at his or their usual place of abode, to appear before him or them, on the day specified in said precept. The jury shall be sworn by any justice of the peace in said city, faithfully and impartially to execute their duty, in making such assessments, according to the best of their ability. The jury shall view the premises, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day. Such jury shall determine and award to the owner or owners of such land, such damages as they shall judge such owner or owners to sustain in consequence of such street, lane, alley, highway,

wharf or slip, after taking into consideration and making due allowance for any benefit which said owner or owners may derive from such improvement. The said jury shall also at the same time, assess and apportion the expenses of such improvement on the real estate benefitted thereby, as nearly as may be, in proportion to the benefits resulting therefrom; and shall describe the real estate on which any assessment is made under this section, in the same manner as is provided in the thirty-eighth section of this act, in relation to the assessment of taxes. If there be any building on any land taken for such improvement, the owner thereof shall have ten days, or such time as the common council may allow, after the final assessment of the jury is returned to, and confirmed by, the common council, to remove the same; and in case such owner removes such building, the value thereof to the owner to remove, shall be deducted from the amount of damages awarded to the owner thereof, and such value shall be at the time of the assessment, determined by the jury. The determination and assessment of the jury shall be returned in writing, signed by the jury, to the common council. The common council, after such determination and assessment of the jury is returned to them, as aforesaid, shall give two weeks' notice, in the corporation newspaper printed in said city, that such determination and assessment of the jury will, on a day to be specified in said notice, be confirmed by the common council, unless objections by some person interested are made thereto. All objections to any such determination and assessment as aforesaid, shall be briefly stated in writing, and filed with the clerk. If no objections are made as aforesaid, the said determination and assessment of the jury shall be confirmed by the common council. If objections are made as aforesaid, any person interested may be heard before the common council, touching the said determination and assessment of the jury, on the day specified in the aforesaid notice, or on such other day or days as the common council shall for that purpose appoint; and the said common council, on consideration of the objections made, shall have power in their discretion, to confirm such determination and assessment of the jury, or the same, and direct a new jury to be summoned for the purposes, and in the manner herein provided; and the determination and assessment of such second jury, shall, when completed, be returned to and confirmed as of course, by the common council, and filed with the clerk, and shall be final and conclusive on all persons interested. But the said common council shall not have power to discontinue any street, road or highway in said city, without the consent in writing of all persons owning land adjoining such street, road or highway.

§ 42. The common council shall have power to cause any street, alley, lane, road or highway in said city, to be gratted, levelled, paved, re-paved or gravelled, and to cause cross and side-walks, drains, sewers, and aqueducts to be constructed and made in said city; and to cause any side-walks or drains, sewers and aqueducts, to be re-laid, amended and repaired, and to cause the expenses of all improvements, except side-walks, made or directed under this section, to be assessed upon all the real estate in said city, in proportion to the benefits resulting thereto, as nearly as may be. <sup>Paving, levelling, &c.</sup> The common council shall determine the amount to be assessed for all improvements made or directed under this section, except side-walks, and shall appoint five reputable freeholders of said city, to make such assessment. The assessors shall be sworn before a justice of the peace in said city, faithfully and impartially to execute their duty as such assessors, according to the best of their ability. They shall assess the amount directed by the common council to be assessed for any such improvement, on the real estate deemed by them to be benefitted thereby, in proportion to the benefit resulting thereto, as nearly as may be: and the said assessors shall briefly describe in the assessment roll to be made by them, the real estate on, or in respect of which any assessment is made under this section. When the assessment is completed they shall give the like notice, and have the same power to make corrections as in the case of assessment of taxes. They shall deliver a corrected copy of the assessment roll to the clerk of the city, to be filed. Any person interested may appeal to the common council for the correction of the assessment. Such appeal shall be in writing, and shall be delivered to the clerk or presiding officer of the common council within twenty days after the corrected copy of the assessment roll is filed with the clerk. In case of appeal, the common council shall appoint a time within ten days thereafter, for the hearing of those who are interested, and shall cause a notice to be posted for five days in some convenient public place, designating the time and place and object of hearing; and they may adjourn said hearing from time to time as may be necessary; and the common council shall, in case of appeal as aforesaid, have power in their discretion, to confirm such assessment, or to annul the same and direct a new assessment, which shall be final and conclusive on all parties interested, to be made in the manner herein before directed, by five other assessors, to be appointed as aforesaid, by the said common council. If the first assessment in any case under this, or the preceding section, proves insufficient, the common council may cause another to be made, in the same manner, or if too large an amount shall at any time be raised, the excess shall be refunded rateably to those by whom it was paid.

Assessments  
how to be  
made.

§ 48. All assessments for improvements authorised by the forty-first and forty-second sections of this act, shall be made upon the real estate, and be collected by or paid to the collector or collectors of said city, except as herein otherwise directed. A corrected copy of the assessment roll shall in all cases, authorised by the said forty-first and forty-second sections, be filed in the office of the clerk of the city; and the assessments shall be a lien on the premises assessed, for one year only, after the final corrected copy of the assessment roll is filed as aforesaid. In case of non-payment, the premises may be sold at any time within the year from the time of the filing of the said assessment roll. Before any such sale, an order shall be made by the common council, which shall be entered at large in the records of the city, kept by the clerk, directing the attorney of the city to sell, and particularly describing the premises to be sold, and the assessment for which the sale is to be made; a copy of which order shall be delivered to the said attorney. The said attorney shall then advertise the premises to be sold, in the manner, and for the time required in case of sales of real estate on execution, and the sale shall be conducted in the same manner. The proceedings may be stopped at any time before sale, by any person, by paying to the said attorney the amount of the assessment, interest and expenses of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessment, interest and expenses. Certificates of the sale shall be made and subscribed by the said attorney, one of which shall be filed by him within ten days after the day of sale, in the office of the clerk of the city, and in the office of the clerk of Erie county, and shall contain a description of the property and the term for which it was sold, and state the amount of the assessment, interest and expenses for which the sale was made, and the time at which the right to redeem will expire. If the proceedings are stopped before a sale is made, the attorney may include one dollar, and no more, in the expenses for his fees. If the premises are sold, the attorney may include two dollars in the amount of expenses for his fees, and no more. The right of redemption, in all cases, of such sales in the same manner and to the same extent, shall exist to the owner and his creditors, as is allowed by law in the case of sales of real estate by virtue of an execution. The money, in case of redemption, may be paid to the purchaser, or for him, to the clerk of the city. In case of no redemption, or in case of redemption by the creditor or creditors, the common council shall make to the purchaser or his legal representatives, or the person entitled thereto, a declaration in writing, under the corporate seal, signed by the mayor, and attested by the clerk, containing a description of the premises, the fact of



assessment, advertisement and sale, and the period for which the premises were sold; which declaration shall be evidence of a right to the use and occupancy of the premises for the said period, to be computed from the expiration of fifteen months after the day of sale. All buildings put upon the premises in the exercise of such right of occupancy, during the period, may be removed at or before the expiration thereof.

§ 44. Any person interested, may appeal from any order of <sup>Appeals.</sup> the common council, for laying out, opening, making, altering or widening any street, alley, lane, highway, wharf or slip, to the court of common pleas of the county of Erie, by notice in writing, delivered to the mayor or clerk of the city, at any time before the expiration of twenty days after the passage of the ordinance therefor by the common council. The only ground of appeal shall be the want of conformity in the proceedings to this act. The propriety or utility of the street, alley, lane, highway, wharf or slip, or other improvements, or the correctness of the assessments of damages, if made in conformity to this act, shall not constitute a ground of appeal. In case of appeal, the common council shall make return within twenty days after notice thereof; and the court of common pleas shall, at the next term, after the return which shall be filed in the office of the clerk of the county, proceed to hear and determine the appeal, and shall confirm or annul the proceedings of the common council.

§ 45. The land required to be taken for the making, open- <sup>Damages.</sup> ing or widening of any street, alley, lane, highway, wharf or slip, in said city, shall not be so taken and appropriated, by the common council, until the damages therefor, assessed and awarded to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or legal representatives; or in case such owner or his agent, or legal representatives cannot be found in said city, shall be deposited to his or their credit, or for his or their use, in one of the banks of said city; and then and in such cases, and not before, such land may be taken and appropriated by the common council for the purposes required, in making such improvements, and such streets, alleys, lanes, highways, wharves or slips, may be made and opened.

§ 46. Where any known owner residing in said city or else- <sup>Rights of in-  
fants, &c.</sup> where, shall be an infant, and proceedings shall be had under the forty-first section of this act, the court of common pleas of Erie county, or any judge thereof, at his chambers, may, upon the application of the common council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and all notices and summonses required by said section, shall

be served on such guardian. It shall be the duty of such guardian to see that the rights of such infants are protected.

Side walks.

§ 47. All owners or occupants, in front of whose premises the common council shall direct side-walks to be constructed or repaired, shall make or repair such side-walks, at their own costs and charges; but if not done in the manner and of the materials, and within the time prescribed by the common council, the said council may cause them to be constructed, and assess the expenses thereof upon such lots respectively, and collect the same in the manner directed by the forty-third section of this act. And such assessment shall be a lien upon such lot, in like manner as assessments under the said forty-third section.

Notice of improvements to be given.

§ 48. No ordinance shall be passed by the common council directing the laying out, making, widening, contracting, discontinuing or altering any street, alley, road, highway, wharf or slip, or directing the paving or flagging of any street, alley, road or highway, or the construction or making of any sewer or aqueduct in said city, unless two weeks' previous notice shall be given by the said common council, in the corporation newspaper printed in said city, that an application is pending before said council, for the laying out, making, widening, altering, contracting, discontinuing, paving or flagging such street, alley, road, highway, wharf or slip, sewer or aqueduct, which notice shall briefly describe the nature and object of the application, and specify at what time it will be finally acted upon by the common council.

Public squares.

§ 49. The common council shall have power to order the grading, paving, gravelling, raising, closing, fencing, amending, cleansing and protecting any public square or area, now or hereafter laid out in said city; and to improve the same by the construction of walks, and the rearing and protecting of ornamental trees therein; and to cause such part of the expenses thereof as they shall deem just, to be assessed and collected in the manner prescribed in the forty-second and forty-third sections of this act, for assessing and collecting expenses of improvements mentioned in those sections; and to cause the sale of any real estate, on which such expenses are assessed, to be sold as provided in said forty-second and forty-third sections. But nothing herein shall empower the said common council to divert or obstruct the interest of any individual, in or to any such square or area.

Markets.

§ 50. The common council shall have power to establish and regulate a market or markets in said city, and to restrain and regulate the sale of fresh meat and vegetables in said city, to restrain and punish the forestalling of poultry, fruits and eggs, and to license, under the hand and seal of the mayor, annually, such and so many butchers as they shall deem necessary

proper; and to revoke such license for any infraction of the by-laws and ordinances of the common council, or other mal-conduct of such butchers, in the course of their trade.

§ 51. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe limits in said city, within which wooden buildings shall not be erected or placed, without the permission of said common council, and to direct that all or any buildings within the limits prescribed, shall be made or constructed of stone or brick, with partition walls, fire proof roofs, and brick or stone cornices and eave troughs, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offence; and the farther sum of twenty-five dollars for each and every week any buiding so prohibited, shall be continued. Fire proof buildings.

§ 52. The common council shall have power to regulate Chimneys. the construction of chimneys, so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, and to prevent chimney sweeps from sweeping unless licensed as they shall direct; to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition. To require the inhabitants of said city to provide so many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire; and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires, and to prevent the use of fire-works and fire-arms in the streets; to compel the owners and occupants of houses and other buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorise the mayor, aldermen, fire-wardens, or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention or extinguishment of fires as the common council may deem expedient.

§ 53. The common council shall procure fire-engines, and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses, and other places for keeping and preserving the same; and shall have power to organize fire, hook, hose, bag, Fire engines, &c.

ladder and axe companies; to appoint during their pleasure, a chief engineer, and two assistant engineers of the fire department, and a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines, and other apparatus, and implements used or provided for the extinguishment of fires; to prescribe the duties of firemen, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon said firemen for a violation of the same, as the said council may deem proper. And for incapacity, neglect of duty, or misconduct, to remove them and appoint others in their places.

Fire wardens.

§ 54. The members of the common council shall be fire wardens, and shall have power to appoint such other fire wardens as they may deem necessary.

Firemen. e

§ 55. The firemen appointed by virtue of this act, shall, during the term of their service as such, be exempt from serving on juries, in all courts, and in the militia, except in case of war, invasion or insurrection. The name of each person appointed a fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption, as provided in this section, shall be the certificate of the clerk, made within a year in which the exemption is claimed.

Present firemen.

§ 56. The present firemen of the village of Buffalo, shall be firemen of the city of Buffalo, subject to be removed by the common council, in like manner as other firemen of said city.

Privilege of those serving ten years.

§ 57. Every fireman, who shall have faithfully served as such, in said city or village of Buffalo, or both, for the term of ten years, shall be thereafter exempt from serving on juries, in all courts, or in the militia, except in case of war, invasion or insurrection; and the evidence to entitle such person to the exemption, as provided in this section, shall be a certificate, under the corporate seal, signed by the mayor and clerk.

Licenses to tavern-keepers, &c.

§ 58. The common council may authorise the mayor, or any other proper officer of the corporation, to grant licenses to tavern-keepers, grocers and keepers of ordinaries, or victualing-houses, to sell wine and liquor, in the manner prescribed by the Revised Statutes of this state, and may direct the manner of issuing, countersigning, and registering such licenses, and may fix the fee to be paid therefor, at any sum not less than five nor more than fifty dollars; and the sum to be paid to the mayor or other officer, for granting such license, not exceeding one dollar. The bonds to be taken on granting such licenses, shall be the same as are prescribed by the ninth title of the twentieth chapter of the first part of the Revised Statutes; they shall be filed; may be prosecuted, and the moneys collected shall be applied as directed in that title; and the persons receiving such licenses shall be in all respects subject to the provisions of the said title.

§ 59. The common council shall have power to pass such ordinances as they shall judge proper for regulating or restraining keepers of ordinaries, victualling-houses and houses where any of the articles or commodities hereinafter mentioned shall be sold, and to enforce observance thereto in the manner prescribed by the thirty-third section of this act. The common council shall also have power to grant license in their discretion to keepers of ordinaries, victualling-houses and houses where fruit, oysters, clams, meat, porter, ale, strong beer, cider, currant wine, cherry wine, soda water, metheglin, or any of them shall be sold, and to determine the sum to be paid for such license by each person applying under this section, which sum shall not be less than five dollars nor more than fifty dollars; and to require of the applicant a bond to the city of Buffalo in the penal sum of one hundred and twenty-five dollars, with such security or sureties as shall be approved by said council, conditioned that during the term for which his license shall be granted, he will not suffer his store, house, grocery or shop to become disorderly, and that he will not suffer any cock-fighting, gaming or playing with cards or dice, or keep any billiard table or other gaming table within the same, or in any out-house, yard or garden belonging thereto. All moneys received for licenses granted under this section shall be paid to the treasurer of the city of Buffalo for the use thereof, subject to the provisions of the last preceding section, and all moneys which shall be recovered as penalties or forfeitures for violating any of the provisions of this section, shall be paid to the treasurer of said city for the use thereof.

Ordinaries,  
&c. to be re-  
gulated.

§ 60. That the said common council shall be, and are hereby authorised to appoint annually three commissioners as a board of health for said city, and the mayor of the said city, or presiding officer of the common council, shall be president of said board; and the clerk of said city shall be clerk of said board, and shall keep minutes of the proceedings thereof. The said common council shall also, at their pleasure, appoint a health physician annually, and as often as the office shall become vacant, and may remove him at pleasure; whose duty it shall be to visit every sick person who may be reported to the board of health as hereinafter provided, and to report with all convenient speed his opinion of the sickness of said persons to the clerk of the said board of health, and it shall be the duty of said physician to visit and inspect at the request of the president of the said board, all boats and vessels running to or being at the wharves, landing places, or shores in said city, which are suspected of having on board any pestilential or infectious disease, and all stores or buildings which are suspected to contain unsound provisions, or damaged hides, or other articles, and to make report of the state of the same with all convenient speed to the clerk of the board of health.

Board of  
health.

Vessels may  
be removed.

§ 61. In case any boat or vessel shall be at or near any of the wharves, shores or landing places in said city, and the said board of health shall believe that such boat or vessel is dangerous to the inhabitants of the said city, in consequence of their bringing and spreading any pestilential or infectious disease among said inhabitants; or having just cause to suspect or believe, that if the said boat or vessel is suffered to remain at or near the said wharves, shores or landing places, it will be the cause of spreading among the inhabitants any pestilential or infectious disease; that it shall and may be lawful for the said board, by an order in writing, signed by the president for the time being, to order such boat or vessel to any distance from said wharves, shores or landing places, not exceeding three miles beyond the bounds of the city, within six hours after the delivery of such order to the owner, master or consignee of said boat or vessel. And if the master, owner or consignee to whom such order shall be delivered, shall neglect or refuse to comply therewith, the said president may enforce such removal, and said master, owner or consignee shall be considered guilty of misdemeanor, and on conviction, shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding three months, in the jail of the county of Erie, by any court having cognizance thereof; the said fine when paid, to be applied by the said board to the support of the treasury of the city of Buffalo.

Physicians to  
report in cer-  
tain cases.

§ 62. Every person practising physic in the said city, who shall have a patient laboring under any malignant or yellow fever, or other infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the said board of health; and for neglecting so to do, shall be considered guilty of misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered in an action of debt in any court having cognizance thereof, with costs for the use of the treasury of said city.

Non-resi-  
dents.

§ 63. All persons in the said city, not being residents thereof, who shall be infected with any infectious or pestilential disease, and all things within said city, which, in the opinion of the said board shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall, by order of the said board of health, be removed to some proper place, not exceeding three miles beyond the bounds of said city, to be provided by the said board at the expense of said city; and the said board may order any furniture or wearing apparel to be destroyed, whenever they may judge it necessary for the health of the city.

Harbor mas-  
ters.

§ 64. The said common council shall have power to appoint and remove at pleasure, one or more harbor masters in

said city, who shall have power, upon the application of the master, owner or consignee of any ship, boat or vessel in said city, to regulate and order all ships, boats and vessels, lying at any of the wharves, or landing places, or in any of the waters in said city, and to remove from time to time, such boats, ships or vessels, as are not employed in receiving or discharging their cargoes or passengers, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging their cargoes or passengers; and if any master or other person having charge of any such ship, boat, or vessel, shall refuse or neglect to obey the directions of such harbor master in the premises, he or they shall forfeit fifty dollars, to be recovered in an action of debt, with costs, for the use of the said city. The said harbor master shall recover from the master, owner or consignee of every boat, ship or vessel, adjudged by him to be in default, for his compensation in the premises, the sum of one dollar, if the ship, boat or vessel, so adjudged to be in default, is of the burden of twenty tons or upwards, and fifty cents, if under twenty tons.

§ 65. All the estate, real and personal, vested in, or belonging to, or held in trust, by the trustees of the village of Buffalo, at the time this act shall take effect as a law, shall be, and is hereby declared to be, vested in the city of Buffalo. City property

§ 66. All former acts and parts of acts, relative to the incorporation of the village of Buffalo, except the sixth section of the act passed April 11, 1826, entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo in the county of Erie,' passed April 7, 1822," are hereby repealed; and the power, right and authority contained in that section in favor of the trustees of the village of Buffalo, be and the same are hereby transferred as they then existed, to the common council of the city of Buffalo; but the repeal of said acts, shall not affect any act done, or right accrued or established, or any proceeding, suit or prosecution had or commenced, previous to the time when such repeal shall take effect; but every such act, right and proceeding, shall remain as valid and effectual, as if said acts had remained in force; and all the officers elected or appointed under or by virtue of the acts hereby repealed, shall continue in office until and including the day of the first election to be held under this act, unless the term for which they, or any of them, were elected or appointed, shall sooner expire. Repealing clause.

§ 67. This act shall take effect on the passage thereof, and the legislature may at any time alter, modify, or repeal the same. Act to take effect.

## CHAP. 180.

## AN ACT to incorporate the Little Falls Manufacturing Company.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. James Stevenson, John H. Webb and James Monroe, and such other persons as now are, or hereafter may be associated with them, are hereby declared to be a body corporate, by the name and style of "The Little Falls Manufacturing Company," for the purpose of manufacturing cotton and woollen goods and machinery, or either of them separately, in the village of Little Falls, in the county of Herkimer, and not elsewhere.

Stock.

§ 2. The capital stock of said corporation shall be three hundred thousand dollars, and divided in shares of four hundred dollars each.

Directors.

§ 3. The stock, property, affairs and concerns of said corporation shall be managed by five directors, one of whom shall be president, who shall hold their offices one year; and the first directors shall be James Stevenson, James H. Webb, James Monroe, Benjamin E. Bremner and Peter Gansevoort; and the directors hereafter to be chosen shall be elected on the first Monday in July in every year, at such place as a majority of the directors then being may appoint; and it shall be the duty of the said directors to give to the stockholders, previous to every election, at least thirty days' notice, to be published in a newspaper printed in the county of Herkimer, and the state paper, of the time and place of such election; and such elections shall be made by the stockholders as shall attend in person for that purpose or by proxy: and all elections shall be by ballot, each share having one vote, and the five persons who shall have the greatest number of votes shall be directors. But if it shall happen that two or more persons have an equal number of votes, so that a greater number of persons than five shall, by plurality of votes, appear to be chosen, then the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number of five: and if any vacancy shall happen among the directors, by death, resignation or otherwise, such vacancy may be filled, for the remainder of the year, by such person as the other directors or a majority of them may appoint.



§ 4. Subscriptions to the capital stock shall be opened under the direction of the first directors herein before named; and it shall be the duty of the directors for the time being to call for and demand of the stockholders, respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall see fit, under penalty of forfeiture to said company of their shares and all previous payments made thereon; always giving thirty days' notice, to be published in a newspaper printed in the county of Herkimer and in the state paper, of such call or demand. Subscriptions  
of stock.

§ 5. The stock of the company hereby incorporated shall be assignable and transferable, according to such rules as the directors shall make and establish; and no stockholder indebted to said company shall be permitted to make a transfer or receive a dividend, until such debt be paid to the satisfaction of the directors. Transfer.

§ 6. The corporation hereby created shall continue twenty years, and no longer. Duration of  
act.

§ 7. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes; and the legislature may at any time alter, modify or repeal this act. General powers.

## CHAP. 181.

**AN ACT authorising the Board of Supervisors of the County of Franklin, to raise Money to build a Bridge in the Town of Chateaugay, in said County.**

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The board of supervisors of the county of Franklin are hereby authorized to raise by tax, upon the taxable property in the county of Franklin, in the same manner as other county charges are raised and levied, in addition to the sum now authorized by law to be raised, the sum of twelve hundred dollars, to be paid to the commissioners of highways of the town of Chateaugay, in said county, for the purpose of building a bridge across the Chateaugay river in said town, at the point where the main road leading from the county of Clinton to the county of St. Lawrence, crosses said river. \$1,200 to be  
raised.

§ 2. One half of said sum shall be raised at the next annual meeting of said board of supervisors, and the remaining half in one year thereafter. When to be  
raised.

Account.

§ 3. The said commissioners of highways shall account to the board of supervisors in each year, for the money received and disbursed by them.

## CHAP. 182.

*AN ACT to authorise Harvey H. May to erect a Dam across the Genesee River, in the Town of Amity, in the County of Allegany.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall and may be lawful for Harvey H. May, and he is hereby authorised to erect a dam across the Genesee river in the town of Amity in the county of Allegany, on lands belonging to the said Harvey H. May: *Provided*, That if it should at any time become necessary or expedient to navigate said river at the place where said dam is hereby authorised to be erected, then the said Harvey H. May, or his successors in the right of said dam, shall erect an apron or lock in said dam of such construction as to render the passage safe and easy for rafts, arks and boats which it may become necessary or advantageous to navigate said river during the continuance of said dam, and all such rafts, arks or boats shall at all times pass and re-pass free from toll or expense of any kind. *And provided further*, That nothing in this act shall be so construed as to affect the rights of individuals who may be injured by reason of the erecting and continuing said dam; and it shall be lawful for the legislature of this state at any time hereafter to alter, modify or repeal the same.

## CHAP. 183.

*AN ACT to authorise the Board of Supervisors of the County of Columbia, to raise certain Moneys in the Town of Kinderhook, and for other purposes.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be the duty of the board of supervisors of the county of Columbia, at their next annual meeting, to cause the sum of six hundred dollars to be assessed, levied and collected in the town of Kinderhook, in said county, and the said

\$600 to be raised.

sum of six hundred dollars annually thereafter, to be assessed, levied and collected for the purpose of paying the debts and keeping in repair the bridges of said town until such debts are paid, and no longer.

§ 2. The commissioners of highways of the town of Kinderhook, in the county of Columbia, shall have the right in their discretion, to extend the road district west of the village of Kinderhook, into the town of Stuyvesant, on the road leading to the landing, as far as they may deem it advisable, with the consent of the commissioners of highways of the town of Stuyvesant, and to apply so much of the labor assessed in said district, to the repairing of the road within the said town of Stuyvesant, as they may think fit.

Road may be extended.

## CHAP. 184.

**AN ACT to incorporate the American Fire Insurance Company of the City of New-York.**

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. David Augustus Clarkson, and all such persons as shall be associated with him, are hereby declared to be a body corporate, in name and in fact, by the name of the "American Fire Insurance Company of the city of New-York," and to continue for thirty years.

Corporation created.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, to be divided into four thousand shares of fifty dollars each ; and it shall not be lawful for the said corporation to commence any business whatever, until the whole amount of the capital stock shall be subscribed and paid for, or secured by bond and mortgage on real estate within this state, worth at least double the value for which the same shall be mortgaged, exclusive of buildings, unless the same shall be insured, or by the public stocks created by this or any other state, or by the United States, or an incorporated city or bank of this state which shall be at the time at or above par value in the market.

Stock.

§ 3. The stock, property and concerns of the said incorporation shall be managed by eleven directors, who shall be stockholders, and one of whom shall be president thereof, who shall hold their offices for one year, and until others shall be appointed, and no longer ; which directors shall be appointed on the second Monday in December, at such times and places in the city of New-York as a majority of the directors shall appoint, of

Directors.

which public notice shall be given in two of the newspapers printed in New-York, at least ten days previous to said election; and such election shall be made by ballot, by a plurality of the stockholders present, allowing one vote for every share; and the stockholders not present may vote by proxy, and the votes be given by citizens of the United States, inhabiting this state. And the first directors of the said corporation shall be Pelatiah Perit, Duncan P. Campbell, David Augustus Clarkson, James Monroe, Edward N. Prime, James J. Roosevelt, Junior, David Clarkson, James Thomson, Russel Nevins, Samuel L. Gouverneur and J. M. Scott McKnight, who shall continue in office until the second Monday in December, in the year one thousand eight hundred and thirty-three.

President

§ 4. The directors herein before named shall, as soon as may be after the passing of this act, and the directors hereafter to be chosen at every annual election, shall as soon as may be after such election, proceed to choose out of their body a president, who shall preside until the next annual election; and in case of the death, resignation or inability to serve, of the president or any director, such vacancy or vacancies may be filled for the remainder of the time by the board of directors.

Subscription  
to stock.

§ 5. The books of subscription of the capital stock of this corporation, shall be opened, under the inspection of the commissioners for receiving such subscriptions in the city of New-York, at such place and time as they shall appoint, and may be continued from day to day, until the capital stock shall be subscribed, ten days' previous notice of such time and place being given in one or more of the daily newspapers printed in said city; and five dollars on each share subscribed shall be paid to the commissioners, at the time of making the subscription; and the commissioners shall be Preserved Fish, Cornelius W. Lawrence and John Graham.

Insurance.

§ 6. The president and directors shall have the power and authority, in the name and on the behalf the said corporation, to make all kinds of insurance against losses by fire of any houses and buildings whatsoever; and also upon all goods, wares or merchandize, chattels real or personal whatsoever, and all kinds of insurance upon vessels, goods, wares and merchandize upon the rivers, lakes and canals, in the state of New-York and in the adjoining states and territories, for such term or terms of time, and for such premium or consideration, and under such modifications or restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance; and the policies of insurance shall be subscribed by the president, or in his absence, by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obli-

gatory upon the said corporation, in like manner and with the like force as if under the seal of the said corporation.

§ 7. It shall be lawful for the said corporation to purchase and hold any of the stocks or funded debt designated by the second section of this act, for the purpose of investing their surplus profits, or any part thereof; and also to sell and transfer the same, and again invest the same, or any part thereof, in such stock or funded debt, whenever and as often as the exigencies of the said corporation, or a due regard to the interests of the said corporation, shall require. Purchase of stock.

§ 8. It shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for the transaction of their business; and also to take and hold any such real estate, bona fide mortgaged or pledged to the said corporation; and also to proceed in the said mortgages, and other securities, for the recovery of moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorised to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceeding or otherwise, to receive and take any real estate in payment towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money. Real estate.

§ 9. The corporation created by this act, shall be subject to the operations of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General provisions.

§ 10. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book to be kept for that purpose, a full and true statement of the funds, property and securities of the said corporation, shewing the amount in real estate, in bonds and mortgages, in notes and the securities thereof, in public debt or other stock, and the amount of debts due to and from the said company; which statement shall be certified by the president and secretary, and shall be open to the inspection of every stockholder of the said company, during the usual hours of business, in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or to submit the same when required, they and each of them shall forfeit and pay to any person so requiring the inspection of such statement, and being at the time of such neglect or refusal, a stockholder of the said company, the sum of five hundred dollars, to be sued for and recovered by such stockholder, to his own use, in any court having jurisdiction to that amount; but such suit shall be com- Account of funds, &c.

menced within thirty days after the annual election of directors of said company.

Office to be in New-York.

§ 11. The office for the transaction of the business of said company, shall be located in the city of New-York, and not elsewhere.

Rights reserved.

§ 12. The legislature may at any time hereafter, alter, modify, or repeal this act, or any of its provisions.

Deposition to be filed.

§ 13. It shall not be lawful for the said corporation to commence any business under this act, until the president and secretary of said corporation shall have made a deposition in writing, before the mayor or recorder of the city of New-York, and filed the same in the office of the clerk of the city and county of New-York, that the capital stock of said corporation has been paid in, or secured to be paid, according to the provisions of this act; and every person guilty of wilful false swearing in the premises, shall be subject to all the pains and penalties of perjury.

## CHAP. 185.

AN ACT to incorporate the Village of Geddes.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Bounds of the village.

§ 1. All that district of country in the town of Salina contained within the following bounds, that is to say : beginning at a point on the west side of Quince-street where the north line of Ninth North-street intersects the same ; thence running southerly along the line thereof to Sixth North-street ; thence westerly along said street to Filbert-street ; thence southerly along the same to First North-street ; thence westerly to Myrtle-street ; thence southerly along the same to Fifth South-street ; thence easterly along the same to Furnace-street ; thence southerly and easterly along the same and along the street on the south side of blocks seventy-three and seventy-six to the street on the east side of the last mentioned block ; thence northerly along the same to the Erie canal ; thence north to the farm lot on the north side of the canal ; thence westerly along the line of the farm lots on the northerly side of the canal to the north side of said Ninth North-street ; thence to the place of beginning, including all the streets mentioned according to the survey and map of John Randall, junior, shall hereafter be known and distinguished by the name of the village of Geddes, and the freholders and inhabitants residing within the limits aforesaid, are hereby constituted a body corporate by

the name of "The trustees of the village of Geddes," and shall be capable of purchasing, holding; selling and conveying any real or personal estate situated within the village for the use thereof. Name.

§ 2. The said corporation shall have power to organize a fire company, to purchase and keep in repair one or more fire engines with their necessary apparatus for extinguishing fires, to build an engine house or houses, to remove and prevent all nuisances, to lay out, open and improve, ornament, construct and repair the highways, streets, side-walks; to construct wharves and basins for boats under the direction and with the consent of the canal commissioners; to construct and maintain aqueducts, conduits and reservoirs for the supply of the inhabitants with water and for the extinguishment of fires, and to make any necessary and suitable repairs or improvements for the benefit or use of the village; and to raise money by tax to be levied upon the real and personal property in the village to carry into effect the objects of this corporation: but no tax shall be raised without the consent of a majority of the voters present at a legal meeting duly notified of the inhabitants of the village qualified to vote. Fire compa-ny.

§ 3. The inhabitants of the village qualified to vote at town-meetings, may meet on the first Tuesday in June next, at such time and place therein as one of the justices of the town of Salina may appoint by a notice in writing, to be posted up in three of the most public places in the village at least six days previous to that day, and then and there elect by ballot, five freeholders of the village to be trustees thereof, three assessors, one clerk, one treasurer, one collector, one pound-keeper, one overseer of highways and two constables for the village residing therein. Such justice, or some other one in the town, shall preside at such meeting and declare the persons having the greatest number of votes duly elected to the several offices aforesaid; and in like manner on the first Tuesday in May in each year thereafter, there shall be an annual election of the officers for the village, and the trustees for the time being shall notify the time and place for holding such meetings and preside at such elections, and the officers elected shall hold their offices until the first Tuesday in May after their election, and until others are elected in their stead and duly qualified; and in case such officers or any of them shall not be elected on the day appointed by this act, the corporation of the village shall not be dissolved, but it shall be lawful for the inhabitants of the village, on some other day to be notified by the trustees for the time being, to elect any or all the officers aforesaid. Meeting of inhabitants for election of officers.

§ 4. All the officers elected or appointed in the village shall, within ten days after their election or appointment, and before Officers to take an oath.

they enter upon the duties of their offices, take and subscribe the oath required by the constitution.

Certain, to  
give bond.

§ 5. The treasurer, collector and constables shall, before they enter upon the duties of their offices, respectively give such bond, with one or more sureties, to the trustees of the village for the faithful performance of their duties, as a majority of the trustees shall deem sufficient.

President.

§ 6. The trustees shall, after their election, choose and appoint one of their number to be president of the board of trustees, who shall preside at their meetings, order extraordinary meetings of the trustees when he shall think proper, and see that the by-laws, rules and regulations and ordinances are duly executed, and to prosecute for all offences and violations of the same; and in case of vacancy the trustees shall fill the same by choosing another of their number to be president.

Clerk.

§ 7. The clerk shall keep a record of the proceedings of the village and of the trustees in a book to be kept for the purpose, and shall post up in three of the most public places, all by-laws and ordinances of the trustees within ten days after they shall be made; and further, he shall record all the doings and votes of the inhabitants at any of their meetings, in a book to be kept for that purpose, and shall file and keep all the bonds and papers of the corporation.

Vacancies.

§ 8. In case of vacancy in any of the offices of the village, the trustees shall fill the same, by a warrant under the hands of a majority of them, and under the corporate seal.

By-laws.

§ 9. The trustees, or a majority of them, may make and publish such by-laws, rules and regulations, not repugnant to the laws of this state, as they, from time to time, may deem proper, in relation to the streets, alleys, highways, side-walks, wharves and basins, nuisances, firing guns and fire-works, running horses, lighting the streets, restraining geese, swine, or any kind of animals, from running at large in the streets; to keeping and regulating hay-scales, public markets, a common pound, the safe deposit of ashes, keeping fire buckets, hooks and ladders; suppressing vice and immorality, preventing theatres, billiard tables, theatrical or other performances, exhibitions of wax figures, wild animals, and all other shows exhibited by common showmen; restraining beggars, mendicants, or persons soliciting alms, and all persons from harboring them; restraining routs, riots, noises, disturbances, or disorderly assemblages, in any street or place in the village.

Fines and for-  
feitures.

§ 10. The trustees, as often as they shall make or publish any by-laws, rules or regulations, for the purposes aforesaid, may ordain and provide such reasonable fines, forfeitures and penalties, upon the offenders against any such by-laws, as they shall think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice



of the peace, or court having cognizance of the same, by the trustees in the corporate name of the corporation, to and for the use of the corporation; and it shall be sufficient for the trustees, in any suit or action to be brought for any such fines, forfeitures or penalties, to declare generally, that the defendant, or defendants, are indebted to the trustees of the village of Geddes, in the amount of such fine, forfeiture or penalty, to be paid to the trustees for the time being, when thereunto required; and under such declaration, to give the special matter in evidence; and the freeholders and inhabitants of the village shall be competent to give testimony in any cause; and the justice residing in the village, to try any cause; and the freeholders thereof to serve as jurors, and the constables to serve any process in any cause wherein the said trustees are a party, notwithstanding any remote interest they may have as members of the corporation.

§ 11. The trustees, as often as they shall make and publish any by-laws for restraining animals from running at large, may ordain that such animals may be seized and impounded, and after reasonable delay, may be sold at public vendue, to pay the penalties imposed for the violation of any such ordinance, together with the costs and charges for keeping them, and of such sale. Restraining  
of animals.

§ 12. All monies raised by tax in the village, shall be assessed upon the inhabitants by three assessors, and collected by the collector of the corporation, in like manner as the taxes of counties and towns are collected, by virtue of a warrant to him directed by a majority of the trustees; but no tax during any one year, shall exceed two hundred and fifty dollars, unless for the purpose of purchasing a fire engine, hooks, ladders, and other necessary utensils for extinguishing fires; and no purchase or sale of any real estate, shall be made, nor public building erected or disposed of by the corporation, without the consent of the freeholders and taxable inhabitants of the village, in open meeting duly warned, first had and obtained, by a majority of votes then and there given; and in case they shall vote to raise any money for the purposes aforesaid, it shall be specified for what purpose such sum, or any part thereof, shall be appropriated as far as may be convenient; and the assessors in assessing the same on the inhabitants and property of the village, shall apportion the same in a just and equitable manner, in proportion, as near as may be, to the advantages which each shall be deemed to have received by the improvements or purchases to be made with such money when collected. Assessments.

§ 13. The assessors, when they shall have completed any assessment, shall give the like notice of the same as assessors of towns are required to do. Any person considering him or Notice there-  
of.

herself aggrieved thereby, may appeal from the same, to the trustees of the village, who shall hear such appeal, and do justice in the premises; and in case either party shall conceive themselves aggrieved by such decision, it shall be lawful for him, her or them to appeal to the next court of common pleas, to be holden in and for the county of Onondaga, giving five days' notice of such appeal, whose decision shall be final in the premises.

Persons liable  
to be taxed.

§ 14. The person or persons in possession of any real or personal estate in the village of Geddes at the time any tax shall be assessed, shall be liable to pay the amount assessed thereon, which he or they may recover in an action for money paid, laid out and expended, of and from the owner of such estate, or such other person, whose duty it was to have paid the said tax or a part thereof.

Taxes to be a  
lien on real  
estate.

§ 15. All taxes upon any real estate in the village shall be a lien thereon, and shall be preferred in payment to all other charges, except town, county and state taxes; and if the same cannot be collected by the collector of the village by the time provided by the by-laws of the corporation, he shall make return thereof to the trustees of the village, and it shall be lawful for them to advertise such lands for six months in some newspaper printed in the town of Salina, requiring the owner or owners to pay the sums assessed thereon to the treasurer of the corporation; and in case default shall be made in such payment, at a day and place therein to be prescribed, that all such lands will be sold at public auction, to the person who will advance the amount of such assessment, with ten per cent interest thereon, and the costs of such advertisement and sale, for the shortest term of years; and if at the expiration of such notice, such owner shall neglect or refuse to pay such tax, and the expense and interest, it shall be lawful for said trustees, or a majority of them, to cause such land to be sold at public auction for a term of years, for the purpose and in the manner expressed in such advertisement, and to give a certificate of such sale under their corporate seal to the purchaser thereof; and such purchaser, his executors, administrators and assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own use, against the owner thereof, and all persons claiming under him, until the expiration of the time for which such sale was made, and shall be entitled to remove from such land any buildings or materials erected or put on by him or them after such purchase, provided he shall have paid the taxes assessed on such lands during the term he shall have held the same under such purchase.

Collector

§ 16. The collector shall, within such time as shall be specified by the by-laws of the corporation, next after the receipt of his warrant for the collection of any tax that may have been

ordered to be raised, collect and pay over the same to the treasurer; and all moneys in the hands of the treasurer shall be liable to be drawn out by the trustees, and applied to and disposed of by them for the benefit of the village, according to the provisions of this act.

§ 17. The trustees may issue new warrants or renew those which may have been issued by them or their predecessors for the collection of any taxes imposed by virtue of this act, from time to time, so often as such warrants shall not be returned collected, during the time provided by law, and at their discretion to remit any penalty or forfeiture by reason of the breach of any by-law of the village. Warrants.

§ 18. The constables elected or appointed under this act shall have the same powers and be subject to the same duties in all cases, civil and criminal, and entitled to the same fees within the county of Onondaga, as constables elected in the several towns in the county at their annual town-meetings; and it shall be their special duty to give notice to the trustees of the village such breaches of any of the by-laws and ordinances of the corporation as shall come to their knowledge. Constables.

§ 19. The pound-keeper shall have the same power and authority, and be subject to the same duties in the village, and entitled to the like fees, as by law appertains and belongs to pound-keepers chosen for the several towns in the county. Pound keeper or.

§ 20. The said village of Geddes, together with the district of country adjoining the same, forming the road district as now distinguished by the commissioners of highways as a road district, shall be a road district, subject to be divided by the said trustees, and the same shall be exempted from the superintendence of the commissioners of highways of the town of Salina; and the trustees of the village of Geddes shall have the same powers over the said road district, and discharge all the duties which by law are given and enjoined upon commissioners of highways, and shall be subject to the like restrictions and appeals; and the overseers of highways elected or appointed by the trustees under this act, shall have all the powers and discharge all the duties in the district which by law are given to or enjoined upon other overseers of highways, giving in a list and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do to the town clerk, and to the commissioners of highways. Road district.

§ 21. The corporation shall have a common seal, which may be altered at pleasure by the trustees thereof. Common seal.

§ 22. The trustees may appoint under the hands of the president and clerk of the board of trustees, and under the corporate seal, a company of firemen, not exceeding twenty-five to each fire engine kept in repair for the village, and the whole Firemen.

or any part of them to remove at their pleasure and appoint others in their stead, whose duty it shall to have the management, working and use of the fire engine belonging to the village, and other implements for extinguishing fires under the orders of the trustees acting as fire wardens; and that the firemen so to be appointed shall be free from the performance of all military duty, except in cases of war, insurrection or rebellion.

Rights reserved.

§ 23. The legislature may at any time alter, amend or repeal this act.

## CHAP. 186.

AN ACT to extend the Charter of Middleburgh Bridge Company.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter extended twenty years.

§ 1. The act entitled "An act to incorporate the Middleburgh Bridge Company," passed the twentieth day of March, in the year one thousand eight hundred and thirteen, and the several acts amending the same, are hereby extended, and the said acts shall continue and be in force for the term of twenty years from and after the expiration of the above mentioned act of incorporation.

Saving clause.

§ 2. No penalty which may be incurred under the fifteenth section of the act hereby extended shall be recovered, unless at the time a notice in large characters be conspicuously placed at each end of the bridge, specifying the nature and amount of such penalty.

Rights reserved.

§ 3. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 187.

AN ACT to amend "The Act incorporating the Firemen's Insurance Company of the City of Albany."

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Firemen's Insurance company of the city of Albany shall have power and authority to make insurance on ships and vessels on the stocks or in port, and on vessels bound coastwise and their cargoes.

## CHAP. 188.

AN ACT to authorise Edmund Frost and others to build a Draw-Bridge over the Bushwick Creek.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be lawful for Edmund Frost, John G. Van Cott and James Ainesley, of the town of Bushwick, in the county of Kings, or a majority of them, to build, erect and finish a bridge or bridges over Bushwick creek or creeks, in said county; one at the foot of Fifth-street in the village of Williamsburgh, and one at the Wood point, opposite Fifth-street. The expense thereof shall be defrayed by private voluntary subscription: and there shall be made a draw in each bridge of at least sixteen feet wide, so as to admit boats to pass and repass the same.

§ 2. The said Edmund Frost, John G. Van Cott and James Ainesley, or a majority of them, may lay out a road across the marsh, communicating with the present roads on each side thereof, and leading to and across the said bridges; and said road shall be two rods wide; and the expense of laying out and completing the said road and bridges shall be defrayed by private voluntary subscription, and without charge to the public. When the said road and bridges are made and completed, it shall become a public highway of the said town of Bushwick.

## CHAP. 189.

AN ACT to divide the Town of China, in the County of Genesee.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. From and after the first Monday of March next, all that part of the town of China, in the county of Genesee, known as the two townships number eight, shall be and remain a separate town, by the name of Java; and the first town-meeting, for the election of town officers, shall be at the now dwelling-house of Edgar Camp, on the first Tuesday of March next.

§ 2. All the remaining part of the town of China, known as the two townships number seven, shall be and remain a separate town, by the name of China; and the first town-meeting, for

Town of  
Java erected.

China to re-  
main.

the election of town officers, shall be held at the now dwelling-house of Story C. Lyon on the first Tuesday of March next.

Funds, &c.  
to be divided.

§ 3. The supervisors and overseers of the poor of the said towns, as soon as may be after the first town-meetings, upon notice to be given by the said supervisors or one of them, shall meet together, at such place as the said supervisors, or such one of them as shall give such notice, shall designate and appoint, and shall apportion the poor and other funds of the said town, agreeably to the last tax list.

## CHAP. 190.

AN ACT for the relief of *Peter Augustine*.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for Peter Augustine, an Oneida Indian, with the consent and approbation of the agent appointed by the governor to superintend the emigration of the Indians to Green Bay, to sell and convey all his right and interest in fifty acres of land now in his possession, to such person or persons and for such consideration as shall be approved of by the said agent.

§ 2. This act shall take effect immediately after the passage thereof.

## CHAP. 191.

AN ACT to amend an Act for extinguishing Fires in the Village of Flushing, in Queens County, passed March 24th, 1809.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The second section of the act for extinguishing fires in the village of Flushing, in Queens county, shall be, and is hereby so amended as to authorise and empower the trustees of the fire company of the said village to nominate and appoint a sufficient number of firemen, (willing to accept) not exceeding twenty-five, instead of the number of eighteen, as provided for by the second section of the act hereby amended.

**CHAP. 192.**

*AN ACT concerning Elections in the Town of Stuyvesant, in the County of Columbia.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The fourth section of the act passed April 13th, 1827, entitled " An act concerning Columbiaville, supplementary to an act concerning the Columbia manufacturing society, passed 21st February, 1812," which requires the inspectors of the town of Stuyvesant to hold the poll for state and county elections at Columbiaville, one-half a day each election, shall be, and the same is hereby repealed.

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**CHAP. 193.**

*AN ACT concerning the Brooklyn Savings Bank.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The board of trustees of the Brooklyn Savings Bank, are hereby authorised to accumulate gradually and hold invested a surplus fund not exceeding three per cent on the amount of deposits, to the end that in case of a reduction of the market price of the stocks and securities held or to be held by them below the par value thereof, any loss to the depositors by reason of such reduction may be prevented or made good by means of the said fund.

§ 2. The said board of trustees may from time to time regulate the interest to be allowed to depositors, so that the interest allowed to depositors having five hundred dollars or more deposited with the said bank, shall be at least one per cent less than the interest allowed to others ; and so that no interest or dividend on account of the said surplus fund shall be allowed for moneys which shall have been withdrawn from said bank.

§ 3. The said board of trustees are hereby authorised to loan out upon bond and mortgage on real estate of double the value of the sum loaned, such proportion of the money deposited with them as the said board in their discretion may from time to time deem necessary. But no president, vice-president or other officer of the corporation shall not directly or in-

directly borrow or use any of the funds of the said corporation, except to pay the necessary current expenses.

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## CHAP. 194.

AN ACT for the relief of the Trustees of the Town of Rotterdam, in the County of Schenectady.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The division between the mayor, aldermen and commonalty of the city of Schenectady, and the trustees of the towns of Rotterdam and Glenville, in the county of Schenectady, of the rents, debts and other personal property and effects, belonging to the said city of Schenectady, heretofore made, according to the provisions contained in the twenty-fifth section of the act entitled "An act to erect certain parts of the city of Schenectady into separate towns, and for other purposes," passed April 14, 1820, is hereby confirmed ; and the trustees of the said town of Rotterdam, and their successors, shall be deemed, by such division, to have become absolutely and completely vested with all such portion of the rents, debts, and other personal property and effects then belonging to the said city, as were upon the said division set apart and allotted to the trustees of the said town of Rotterdam.

§ 2. It shall and may be lawful for the trustees of the said town of Rotterdam, and their successors, in their corporate name, to receive, collect, sue for and recover, for the use of the said town, all such rents or debts as were, on the said division, set apart and allotted to the trustees of the said town of Rotterdam, and which were reserved or made payable to any former trustees of the late township of Schenectady, in their capacity as trustees thereof, or to the mayor, aldermen and commonalty of the said city of Schenectady, and that a transcript duly certified by the treasurer of the said city, of the schedule or list of that portion of the said rents, debts, and other personal property and effects, which, upon said division, were set apart and allotted to the trustees of the said town of Rotterdam, shall be presumptive evidence of the conveyance and assignment thereof to them, under and by virtue of the provisions contained in the said act authorising the division of the common property of the said city.



## CHAP. 195.

AN ACT to authorise the Supervisors of the County of Rensselaer to raise a Tax to complete the Court-House in said County.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors of the county of Rensselaer are hereby authorised, at their annual meeting, or at any other meeting thereafter, to raise a sum, not exceeding ten thousand dollars, over and above the ordinary fees for collecting the same, to be raised and levied in such sum or sums annually, as the said supervisors shall think proper, on the freeholders, inhabitants, and taxable property of the said county of Rensselaer, for the purpose of completing the court-house now building in said county; which sum or sums of money shall be raised, levied and collected, in the same manner as other contingent charges of said county are raised, levied and collected; two-fifths thereof to be raised, levied and collected, upon the taxable inhabitants of the city of Troy, in addition to their quota of taxation, with the residue of the county.

## CHAP. 196.

AN ACT to revive and continue in force the Charter of the New-York Typographical Society.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act to incorporate the New-York Typographical society," passed February twenty-seventh, one thousand eight hundred and eighteen, is hereby revived and continued in force for the term of fifteen years.

§ 2. The corporation hereby revived and continued in force, shall be subject to such of the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

§ 3. The legislature may at any time, alter, modify or repeal this act.

## CHAP. 197.

## AN ACT for the relief of the Personal Representatives of John Thurman, deceased.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Duty of commissioners of the land office.

§ 1. The commissioners of the land-office are required to grant one or more letters patent to the person or persons legally entitled to the right and title of John Thurman, to that part of a patent of land at the outlet of Schroon lake, granted to said Thurman by letters patent, dated the eighth day of May, one thousand seven hundred and ninety-five, known as Road patent number two, such quantity of land, in one or more parcels, as shall be equal in value to thirteen hundred and twenty acres of land in said patent, that being the deficiency in said Road patent number two, in full satisfaction of all claim therefor, on his or their releasing to the state all their right and title to that part of Road patent number two, which the state has heretofore sold or taken possession of.

Appraisers to be appointed.

§ 2. For the purpose of ascertaining the present value of said thirteen hundred and twenty acres, estimating the same as if now in a state of nature, with the benefit, privileges and appurtenances to its natural state belonging, the governor for the time being, shall, upon the application to him for that purpose by the said person or persons in the preceding section mentioned, appoint one suitable person, and the said person or persons shall appoint another, and they two shall appoint a third, whose duty it shall be, to associate together, and appraise the value of said thirteen hundred and twenty acres, upon the principle aforesaid; and said persons so designated, shall also appraise the land so as aforesaid, to be patented upon the principle now practised on for ascertaining the value of the unappropriated land.

Expenses.

§ 3. The comptroller shall audit the accounts for executing this act, on the usual rules for like services, and the treasurer shall pay the same, on the warrant of the comptroller, for that purpose.

## CHAP. 198.

AN ACT to incorporate the *Palladium Fire Insurance Company of the City of New-York.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From the time this act shall commence and take effect, William Gracie, Samuel Swartwout, I. Green Pearson, Benjamin M'Vickar, George P. Rogers, Timothy Woodruff, Thomas E. Davis. Egbert Ward, John Stilwell, Hamilton Fish, Nathaniel G. Carnes, James G. King, Franklin S. Cooley, Andrew Lockwood, Nicholas William Stuyvesant, junior, Benjamin F. Lee, Archibald Kearney, Archibald Gracie, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, in name and in fact, by the name of "The Palladium Fire Insurance Company." Corporation created.

§ 2. The capital stock of the said corporation shall be three hundred thousand dollars, which shall be divided into six thousand shares of fifty dollars each. Capital stock The whole of the said capital stock shall be invested in bonds and mortgages on unincumbered real estate, within the limits of the city and county of New-York; and it shall not be lawful for the said corporation to commence any business whatever, until the whole amount of the capital stock shall be subscribed and paid for, or secured on bond and mortgage on real estate within the city and county of New-York. And in every case the real property mortgaged to secure any investment of capital, or any loan made, shall be worth fifty per cent more than the sum charged or loaned thereon, exclusive of buildings, unless the same shall be insured.

§ 3. The stock, property and concerns of the said corporation shall be managed by fifteen directors, Directors. being stockholders, five of whom shall be a quorum capable of doing business, and one of whom shall be president thereof; and which directors shall hold their offices for one year, and until others shall be chosen, and no longer; the first directors shall be chosen at such time and place in the city of New-York, as the commissioners hereinafter named shall designate; and every future election shall be held on the first Monday of February, in every year, at such time of the day and at such place as the directors for the time being shall appoint; and of the first election, as well as every other election, public notice shall be given in two of the newspapers printed in the city of New-York, at least ten days previous to said election. The first election

shall be held under the direction of the commissioners as hereinafter directed, and every subsequent election shall be holden under the inspection of three stockholders, who shall not be directors, and shall be made by ballot, by a plurality of the stockholders present, allowing one vote for every share; and the stockholders not present may vote by proxy, such proxy being granted directly to the person representing them at such election; and the votes to be given by citizens of the United States, inhabiting this state.

*President.*

§ 4. The directors so to be chosen shall meet as soon as may be after such election, and shall choose out of their body one person to be president, who shall preside for one year; and in case of the death, resignation or inability to serve of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors.

*Transfers.*

§ 5. The stock in the said corporation shall be assignable and transferable, according to such rules as the president and directors shall make and establish.

*Subscription to stock.*

§ 6. The books of subscription of the capital stock of this corporation shall be opened, under the inspection of the commissioners hereinafter named, or of any three of them, for receiving such subscription in the city of New-York, at such time and place as they shall appoint, and may be continued from day to day until the whole capital stock shall be subscribed; notice of which shall be given in one of the newspapers printed in the city of New-York, at least one week previous to opening such subscription, and five dollars on each share subscribed shall be paid to the commissioners at the time of making such subscription; and the commissioners shall be William Gracie, Samuel Swartwout, I. Green Pearson, George J. Rogers, George S. Doughty and John Stilwell.

*Contracts of insurance.*

§ 7. The president and directors shall have the power and authority in the name and behalf of the said corporation, to make contracts of insurance with any person or persons, body politic or corporate, against damages or losses by fire of any houses or buildings whatsoever, situate within the city and county of New-York, and of any goods, wares, and merchandize, chattels or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modification or restrictions as may be agreed upon between said corporation and the person or persons agreeing with them for such insurance, and the policies of insurance shall be subscribed by the president, or in his absence, by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in like manner and with the like force as if under the seal of the said corporation.

§ 8. It shall be lawful for the said corporation to purchase Real estate. and hold such and so much real estate as shall be necessary and convenient for the transaction of its business, and also to take and hold any real estate or securities in good faith mortgaged or pledged to the said corporation, to secure the payment of any debt due, or that may become due to it, and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money or other personal property; but the said corporation shall be bound to sell and dispose of any real estate that may be purchased by virtue of this act, except such as may be necessary for their accommodation in the transaction of their business, within five years after it shall have acquired the same, and shall not be capable of holding the same after the expiration of the said five years, but the same shall immediately after the expiration of the said five years, be forfeited to and vested in the people of this state.

§ 9. It shall be lawful for the said corporation to purchase Public stocks and hold any public stocks created by this or any other state, or by the United States, or an incorporated city or bank of this state, which shall be valued at the time, at or above par in the market, for the purpose of loaning or investing their surplus profits, or any part thereof; and also to sell, and transfer the same and again invest the same or any part thereof in such stock or funded debt, whenever and as often as the exigencies of the said corporation, or a due regard to the interests of the said corporation shall require.

§ 10. The first election of directors shall be holden as soon Election. as may be after the requisite amount of stock shall have been subscribed, under the inspection of three of the commissioners before named, whose duty it shall be to give due notice of the time and place of holding such election, as above stated, and immediately after such election to give to the stockholders present a certificate of the names of the persons elected, and to hand over to the directors the subscription books of the said corporation, and all papers relating to the same.

§ 11. The corporation created by this act shall be subject to General provisions. the operation of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

§ 12. It shall be the duty of the president and secretary, at Statement of funds, &c. least thirty days previous to the annual election of directors, to prepare and insert in a book to be provided for that purpose, a full and true statement of the funds, property and securities of

the said corporation, shewing the amount in real estate, in bonds and mortgages, in public debt or other stock, and the amount of debts due to and from the said company; which statement shall be certified by the president and secretary, and shall be open to the inspection of every stockholder of the said company, during the usual hours of business in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or to submit the same when required, they and each of them shall forfeit and pay, to any person so requiring the inspection of such statement, and being at the time of such neglect or refusal a stockholder of the said company, the sum of five hundred dollars, to be sued for and recovered by such stockholder to his own use, in any court having jurisdiction to that amount; but such suit shall be commenced within thirty days after the annual election of directors of said company.

Duration of  
act.

§ 13. The duration of the corporation created by this act shall be twenty-one years, and no longer; and the office of the said company for the transaction of business shall be located in New-York, within the limits of the present ninth or fifteenth ward, and not elsewhere.

Deposition to  
be made.

§ 14. It shall not be lawful for the said corporation to commence any business under this act, until the president and secretary of said corporation shall have made a deposition in writing, before the mayor or recorder of the city of New-York, and shall have filed the same in the office of the clerk of the city and county of New-York, that the capital stock of the said corporation has been paid in, or secured to be paid, according to the provisions of this act; and every person guilty of wilful false swearing in the premises shall be subject to all the pains and penalties of perjury.

Rights re-  
served.

§ 15. The legislature may at any time hereafter modify or repeal this act, or any of its provisions.

## CHAP. 199.

AN ACT *authorising Jared Ketcham to erect a Dam in the Canistota River.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Dam.

§ 1. Jared Ketcham is hereby authorised to erect and maintain a dam across the Canistota river in the town of Cameron, in the county of Steuben, at or near lot number seventy-five in township number two, in the fourth range of townships, in

the said county of Steuben; but said dam shall not be more than four feet in height.

§ 2. There shall be constructed and maintained in said dam <sup>Sluice.</sup> a good and sufficient ark-gap or sluice, with a good and sufficient apron, of such width and construction as to render the passage of arks, boats and rafts safe and easy.

§ 3. Such dam shall not be so constructed as to injure or <sup>Restriction.</sup> overflow the land or property of any person, unless the consent of such person be first obtained: and the legislature may at any time alter or repeal this act.

## CHAP. 200.

AN ACT to amend the Act entitled "*An Act to incorporate the Village of Fredonia,*" passed May 2, 1829.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. From and after the passing of this act, the upper bridge across the Canadaway creek in said village, shall be repaired and rebuilt when necessary, by said corporation. The lower bridge shall be kept in repair and rebuilt by the town or county as heretofore.

§ 2. The twenty-third section of the act hereby amended, shall be, and the same is repealed.

§ 3. This act shall take effect as a law immediately after the passage thereof.

## CHAP. 201.

AN ACT to consolidate and amend the Charter of the Village of Herkimer.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The district of country in the town of Herkimer, in the <sup>Bounds of the village.</sup> county of Herkimer, contained in the following boundaries, that is to say: beginning in the centre of the Mohawk river at a point one chain westerly from the upper river bridge; thence easterly down the stream of the said river along the line of the southern boundary of the town of Herkimer to the confluence of the waters of the Mohawk river, and the West

Canada creek ; thence a northerly course up the stream of the said creek, following its windings and turnings to the point in the same, which forms the north corner of the bounds of the jail liberties as they are now established ; thence a south-westerly course along the northwest line of said bounds to the northwest corner thereof ; thence a westerly course in a straight line to a point on the west line of the homestead upland lot of Frederick Dockstater, at the distance of forty chains northerly from the turnpike road leading from Herkimer to Utica ; thence down said line to the said turnpike road ; thence southerly in a straight line to the place of beginning ; shall hereafter be known and distinguished by the name of the "Village of Herkimer."

Corporation  
created.

§ 2. The inhabitants of said village shall be and are hereby constituted, ordained and appointed and declared, to be from time to time and forever hereafter, a body corporate and politic in fact and in name, by the name and style of "The President and Trustees of the village of Herkimer," and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever, of whatsoever name or nature ; and they and their successors may have a common seal, and may change or alter the same at pleasure ; and also that they and their successors, by the name of "The President and Trustees of the Village of Herkimer," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation ; and of erecting any public buildings or aqueducts, and digging any reservoirs, and laying conduits for water for the use of said village, or for extinguishing fires, and keeping in repair such buildings, aqueducts, reservoirs and conduits ; of purchasing and keeping in repair fire engines, hooks, ladders, buckets, and any other instrument for collecting or conducting water or for extinguishing fire.

Annual  
meeting.

§ 3. The inhabitants residing within the boundaries of said corporation, who shall have in the year preceding paid a road or other public tax, shall meet on the second Monday of May next, and annually on the second Monday of May thereafter, at such time and place in said village, as the then acting trustees shall direct ; and the said trustees may call special meetings whenever they may deem it necessary ; and all meetings may be adjourned by a vote of the same, from time to time, as may become necessary for the transaction of business. All excepting adjourned meetings, shall be called by a notice published for at least two weeks in one or more of the public newspapers printed in said village ; and in case there should be no paper



printed in said village, or in case the publishers should refuse to print the said notice, then it may be lawful to put up written notices in three conspicuous places in said village, for two weeks preceding the meeting; all notices shall designate the time and place of the meeting called thereby; and either notice shall be a sufficient notification to all persons entitled to vote thereat.

§ 4. The said inhabitants, at any regularly notified meeting Officers to be elected. may elect by ballot, and by a plurality of votes, one president, who shall be ex officio a trustee, four trustees, three assessors, one clerk, one treasurer, one collector, and one constable, all of whom shall be qualified voters in said village. All persons elected or appointed in said village to any office or place, in or under the corporation of the same, shall, within one week after their election or appointment, and before they commence the duties of their offices, give notice in writing of their acceptance, to the clerk of the said village. The said inhabitants, at any regular meeting, may vote to raise by tax a sum not exceeding in the aggregate five hundred dollars, in any one year, and shall specify the purpose for which it is intended, and to which it shall be applied; and may determine the compensation to be allowed to any officer of the said village. The president and trustees at said meetings, shall have the same powers as inspectors of elections in towns, and shall canvass the votes and declare the result. The duration of all offices shall be until the next succeeding annual meeting; but all officers shall continue in office until their successors have filed their acceptance, and taken and subscribed the requisite oath of office. Vacancies in the offices of president or trustees occurring, shall be filled at a special meeting called by the remaining trustees. Vacancies in all other offices, by appointment by the trustees. All appointments shall be by warrant, signed by the president under the corporate seal.

§ 5. The board of trustees shall have stated meetings, and meetings of trustees. may adjourn the same from time to time, as may become necessary for the transaction of business, at which the president shall preside, and in case of his absence, they may designate any other member to preside thereat. Either or any of the trustees may call special meetings, by a notice to each and all the others. Complaints and petitions may be made and presented to the board. Any three members at a regular meeting shall constitute a quorum for the transaction of business, but no act shall be done by them without the concurrence of a majority of all the trustees.

§ 6. The board of trustees may make, enact and publish, By laws and police regulations. repeal and amend by-laws, police regulations and ordinances, for cleaning off and cleansing the streets, alleys, lanes, highways, and other public places in said village; to prevent the

incumbering of streets, alleys, lanes and highways, and the sidewalks thereof, and to protect the same from encroachment or injury ; to prevent, abate or remove nuisances ; to prevent immoderate riding or driving in said village ; to restrain the running at large of cattle, beasts and animals of all kinds ; to establish pounds ; to appoint one or more pound masters and fence viewers, who shall possess severally the same powers as the same officers in towns ; to protect trees and monuments in said village ; to light the streets ; to establish and regulate markets, and to restrain sales in the streets ; to prevent forestalling ; to establish and regulate a public scale, and to appoint a weigher to attend the same ; to regulate the place and manner of selling hay and other gross commodities ; to organize fire companies, and hook and ladder companies ; to appoint twenty firemen to every engine at any time possessed by the said village, and ten members to every hook and ladder company, and prescribe rules for their government, and to regulate the time and manner of their exercise ; to provide all necessary apparatus for the extinguishment of fires, and to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale, in any manner whatever ; and in case the owner or occupant refuses to procure suitable ladders or fire-buckets after reasonable notice, the trustees may procure and deliver the same to him, her or them, and in default of payment therefor, the president may bring an action of debt against such owner or occupant in the name of the said corporation, in any court having cognizance thereof, and be entitled to recover in such action the value of such ladders or fire-buckets, or both, with costs of suit ; to regulate the keeping and transporting of gun powder or other combustible or dangerous materials, and the use of lights, lamps or candles, in all stables, shops and other places ; to remove or prevent the construction of any chimney, fire-place, hearth, stove, stove-pipe, oven, boiler, kettle or apparatus used in any house, building, manufactory, or business which may be dangerous in causing fires ; to direct the safe construction of deposits for ashes ; and severally to enter into, or to appoint one or more officers to enter into, at reasonable times, and examine all dwelling-houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous, to be put in a safe and secure condition ; to compel the owners and occupants of houses and buildings to have scuttles on the roofs of said houses and buildings, and stairs or ladders leading to the same ; to regulate the construction of flues in chimneys so as to admit chimney sweeps to sweep and clean the same ; for preventing fires, and the use of fire-works and fire-arms in the streets and lots of said village ; to compel the in-

habitants of said village to aid in the extinguishment of fire; to compel them to form ranks and lines for the purpose of conveying water to extinguish fire, and to pull, break down and raze such buildings, in the vicinity of fire, as shall be directed by the trustees, or any three of them that may be present at a fire, for the purpose of extinguishing it, or preventing its probable extension or communication to other buildings; to prescribe the general mode of operations at fires, and to protect property thereat; to appoint fire wardens, and a chief and other engineers, with such duties and powers as the said board shall prescribe; and generally to establish such other measures of prudence for the prevention or extinguishment of fires, as a meeting of the inhabitants shall by their vote declare to be necessary; for constructing and preserving reservoirs, fountains, conduits, wells, pumps, cisterns and water-works of every kind, and regulating the use thereof; to direct the manner of levelling, pitching, raising, excavating, repairing, amending, curbing, gravelling, paving or flagging of the streets and sidewalks in said village; to suppress vice and immorality; for preventing and restraining every kind of fraudulent device and practice in said village; to suppress disorderly and gaming houses, and devices for the purpose of gambling; to prevent or restrain any riot, rout, noise, disturbance or disorderly assemblage, in any place in said village; and generally to make such rules, regulations, by-laws and ordinances for the purpose of maintaining the peace, order and good government of said village, as they may deem expedient, not repugnant to the constitution and laws of this state or the United States; and to enforce the observance of all by-laws, rules, regulations and ordinances, by inflicting penalties on any and all persons for the violation thereof, not exceeding twenty-five dollars for any one offence, recoverable with costs, in an action of debt, by and in the name and for the use of "The President and Trustees of the Village of Herkimer," before any justice of the peace of the county of Herkimer, in which action the first process may be by warrant, and in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and for the purpose of enforcing the by-laws, rules, regulations and ordinances of the board of trustees against offenders who have no visible goods nor chattels whereof such penalties can be collected, it shall be lawful for the court of justice before whom any such offender shall be duly convicted, to cause him to be imprisoned for a term not exceeding thirty days, in the common jail of the county of Herkimer, without bail or mainprize; and that all fees of prosecuting and punishing offenders under this section, shall be paid by the said board out of the treasury of the said village, and the same shall be audited and allowed as a charge against the said village.

Licenses.

§ 7. No person shall be licensed by the commissioners of excise of the town of Herkimer, to keep a tavern or grocery in said village, without the permission in writing of the trustees of the said village.

Exhibitions.

§ 8. The board of trustees may restrain all theatrical or circus performances, the exhibition of caravans of animals, wax-figures, natural or artificial curiosities, or other shows or exhibitions, or performances for money in said village, and they shall have power at their discretion, to license and permit the same, and to exact and receive for such license or permit, not exceeding thirty dollars, nor less than one dollar, which said sums of money shall be paid into the treasury of the said county, and be applied to the support of the poor of said county. The trustees may direct their constable to attend to keep the peace and prevent disturbances at any such exhibitions or performances.

Road district.

§ 9. The said village of Herkimer shall be a road district, and shall be exempt from the superintendence of the commissioners of highways of the town of Herkimer; and the board of trustees shall be commissioners in and for said district, and shall have and possess the same powers, and be charged with the same duties over the roads in said village, as commissioners of highways in towns; they may divide the said district into wards, and appoint an overseer in each, who shall hold his place during their pleasure; and all such overseers shall have the same powers, and be subject to the like duties and liabilities as overseers of highways in towns. The trustees may also direct such portion of the work, or commutation therefor, to be laid out or expended on, and in such places on the highways leading into the said village, as they may designate. It shall be lawful for the board of trustees of said village, to assess each and every person liable to work on the public highway, residing within said village, in money instead of labor, at a rate of not more than fifty, and not less than forty cents for each and every day he, she or they shall be assessed, any law or statute within this state to the contrary notwithstanding; and in case any person assessed shall neglect or refuse to pay to the overseers of the respective ward within said village in which he, she or they may reside, the said sum, the amount thereof to have been previously determined by the trustees, for each and every day he, she or they shall be assessed, for the space of five days after the same shall have been demanded by the said overseers respectively, either personally or at the place of residence of the person so assessed, it shall be lawful for the said overseers severally, to sue for and recover in their own names, with costs of suit, the money so assessed, or such part thereof as shall have been demanded as aforesaid, and when recovered, to expend the same in im-

proving the roads, streets and alleys in their respective wards, according to the direction of the board of trustees; and the said trustees may in their discretion, accept the personal labor of any person assessed to pay in money, who shall in their opinion be unable to pay such commutation.

§ 10. Taxes voted to be raised shall be assessed and apportioned upon the real and personal property in said village, according to law, by the assessors thereof, and collected by the collector of the corporation, in like manner as taxes of counties and towns are collected, by virtue of a warrant to him directed by the trustees; and it is hereby made the duty of the assessors, in assessing and apportioning the taxes so to be raised upon the inhabitants and property within the said village, to apportion the same so that the said taxes may be assessed and apportioned in an equitable and just manner, of, from and upon the owners and occupants of the houses, lands or other property, whether belonging to individuals, incorporations or other companies in said village, in proportion as nearly as may be to the advantage which each shall be deemed to receive, or have received, from the improvements, purchases or expenditure, made or to be made by the said money so to be collected. It shall be lawful for every individual or company to appeal from the said assessment and apportionment of the assessors, to the board of trustees of said village, within ten days after such assessment shall have been made, and notice thereof given as hereinafter mentioned; and the said board of trustees shall immediately appoint a time and place for the hearing of said appeal, not exceeding ten days after such appeal shall have been made; and the person appealing shall give notice in writing to the said assessors, or any one of them, of such appeal, and the time and place of determining thereon by said trustees, who shall hear and decide the same, and whose decision shall be final and conclusive. It shall be the duty of the assessors, whenever they shall have completed the assessment of any tax, according to any of the provisions of this act, to make out one fair copy of the same, to be left with one of the said assessors, and thereupon to cause notice to be put up at three public places in said village, setting forth that they have completed their assessment, and that a copy thereof is left with one of them, naming him, where the same may be seen and examined by any person interested, during ten days, which shall be a sufficient notice to all thinking themselves aggrieved by such assessment or apportionment, to appeal therefrom to the trustees aforesaid.

Taxes how  
to be assessed.

§ 11. If no objection be made to their assessment and apportionment, or immediately after the said trustees shall have disposed of such objection, the assessors shall sign the said assessment roll and tax list, and deliver the same to the presi-

Warrant to  
collector.

dent of said village; and the board of trustees shall thereupon affix their warrant under their signatures, and the seal of the corporation to the said assessment roll and tax list, or a true copy thereof, directing the collector to collect and pay the same to the treasurer; which warrant shall be made returnable not less than thirty days from the date thereof, and may be renewed from time to time, as the necessity of the case may require; and the collector shall, within such time as he shall in such warrant be directed, collect and pay the same to the treasurer, and return said warrant and tax list to the clerk of the said village, together with the treasurer's receipt for the amount paid to him. And for the purpose of all collections authorised by this act, the collector shall have the same powers, and be subject to the like duties and liabilities as collectors in towns; and may retain from the amount collected by virtue of his warrant, for his fees, such sum or per centage as may have been voted to be allowed him at a regular meeting, which, unless otherwise directed by said meeting, shall be five per cent.

Persons liable to pay tax.

§ 12. The occupant or person in possession of any real estate in the village of Herkimer, at the time any tax is assessed and apportioned, shall be liable to pay the amount assessed and apportioned thereon; and in case such person is not bound by contract or otherwise to pay the same, he, she or they may recover the same, or such part thereof as may have been collected, in an action for money paid, laid out and expended, of and from the owners of said real estate, or such other person or body liable, whose duty it was to have paid the said tax or part thereof; and all taxes upon any real estate in said village, shall be a lien thereon, and shall be preferred in payment to all other charges.

Sale in case of non-payment.

§ 13. In case any estimate or assessment shall be made, or any tax imposed by virtue of this act on any real estate in said village, which shall not have been complied with, and the sums thereby assessed or levied shall not have been paid; and when the same, or an uncollected remaining part thereof, cannot be collected out of any personal property, it shall and may be lawful for the said board of trustees to cause the said real estate, or such parts thereof as they shall see fit, to be advertised for sale at public auction, to the highest bidder, for the payment of such arrears of taxes, and the expenses of advertisement and sale; and upon such sale, the said trustees shall give to the purchaser a certificate in writing of such sale, containing a description of the lands and premises so sold, the amount paid therefor, and the terms and conditions of the sale; and shall forthwith cause a copy of such certificate to be filed in the office of the clerk of the said corporation, for the benefit of all persons who may wish to inspect the same; and the

money arising from such sale, after deducting the expenses of advertising and sale, and the amount of such taxes as aforesaid, shall remain in the hands of the treasurer of said corporation, for the use of the owner or persons entitled thereto. But before any such sale shall be made, the said trustees shall cause a notice of the time and place of such sale to be published in one of the public newspapers published in the village of Herkimer; and in case no newspaper should be published in said village, then they shall cause the same to be published in the newspaper published by the printer to the state, once in each week, for the space of six weeks; and they shall also cause a like notice, and for the same length of time, to be put up in three public and conspicuous places in said village: and such sales shall always be appointed and held within the limits of the said corporation; and all proceedings may at any time, and in any stage of the proceeding, be discontinued, on the payment to the treasurer of the said tax and interest thereon, and the expenses incurred by reason of such advertising or the sale thereon, or both. And if the owner or owners of such land or real estate, so sold, shall not, within one year subsequent to such sale, redeem the same by paying to the purchaser, or his, her or their assigns or representatives, or to the treasurer of said village, for his, her or their benefit, the sum specified in said certificate, with interest, at the rate of ten per cent per annum, it shall then be the duty of the trustees of said village for the time being, to give to the purchaser, or his assigns or representatives, under the seal of said corporation, a deed conveying to him, her or them, the premises so sold, with the appurtenances, in fee simple: and such conveyance shall be good and effectual under this act, to vest in such grantee or grantees, his, her or their heirs or assigns, an indefeasible estate of inheritance in the premises so sold, with the appurtenances and hereditaments thereunto belonging; but before any such sale shall be made, an affidavit of the publication of the aforesaid notice, shall be made and filed in the office of the clerk of the said village.

§ 14. No tax, except highway tax, shall be assessed by <sup>Wood lands</sup> virtue of this act on any lands comprehended within the bounds of the said village, which are reserved as wood lands, meadow lands, pastures, orchards, and in general all such lands as are kept and improved as farm lands, (dwelling-houses, mills and buildings of every kind excepted,) so long as they are so reserved, unless laid out in village lots, and bounded on some one of the streets of said village.

§ 15. The board of trustees, by the petition or consent, in <sup>Streets and roads</sup> writing, of twelve of the freeholders liable to be taxed therefor, may lay out, open and make streets, roads, alleys, lanes or highways in said village; and may change the location and

direction of the present streets; but no building of the value of three hundred dollars or upwards, shall be removed without the consent of the owner, which valuation shall be made by the assessors; and any person thinking himself aggrieved, may within ten days, appeal to any three of the judges of the court of common pleas, whose decision thereon, if in conformity with that of the assessors, shall be final and conclusive. All streets so opened, shall be under the direction of the trustees, accurately surveyed and described, and recorded in the book kept by the clerk of the said village; and the same when opened and made, shall be public highways.

To be paved  
or levelled.

§ 16. The board of trustees may cause the several streets within the compact part of said village, or any or either of them, or any part of either of them, or the side-walks thereof, to be levelled, graded, pitched, raised, repaired, amended, gravelled, curbed, paved or flagged, and cause the expenses to be incurred therefor, to be assessed on and collected from the owners and occupants of said lots, in proportion to the width of their respective lots fronting on said street; but they shall in no case direct the paving of any street, (except the side-walks thereof,) without the consent, in writing, of a majority of the owners or occupants of the lots fronting on said street, or such part thereof as they shall propose to pave. All persons liable to be assessed for the same, shall have the privilege of constructing the side-walks in front of their own lots; but if not done in the manner, of the materials, or within the time prescribed by the board of trustees, they may cause the same to be done, and assessed upon the owners or occupants of said lots. All assessments, and the collection thereof, made by virtue of this section, shall conform in all respects, so far as is consistent therewith, to the provisions of this act, in relation to the assessment and collection of taxes.

Officers to  
take oath.

§ 17. The trustees, assessors, clerk, collector, and constable, shall, within one week after their election or appointment, and before they enter upon the discharge of the duties of their offices, take and subscribe an oath or affirmation before any officer of said county, competent to administer the same, for the faithful discharge of the duties, and execution of the trust or office to which they may have been severally elected or appointed; and the treasurer, collector and constable, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trust reposed in them, as the president for the time being, shall deem sufficient. The constable chosen or appointed by virtue of this act, shall be invested with the same powers and authority, entitled to the same fees and rewards, and subject to the same duties and liabilities, in every respect, as by law appertain or belong respectively to the constables chosen at the town-meetings in the several towns in this state.



§ 18. The clerk of said village shall keep a faithful record <sup>Clerk.</sup> of all the doings and votes of the inhabitants at their annual and other legal meetings, in a book to be provided by the corporation and kept for that purpose, and which shall be and remain the property of the said corporation. It shall be his duty to attend all meetings of the board of trustees, and keep minutes and records of all the votes, orders, rules, regulations and by-laws that shall be made at said meetings, and all of which shall be duly entered in said book. And all entries and records in said book shall be taken and deemed prima facie evidence of the facts therein contained, and stated in all courts and places whatsoever. And it shall be the further duty of the said clerk, to keep and preserve all papers and documents belonging or appertaining to the concerns of the said village, which shall be deposited with him for that purpose; and to do all things whatsoever appertaining to his duty as clerk, which may be required of him by said trustees.

§ 19. The treasurer of said village shall receive all moneys <sup>Treasurer.</sup> which may be collected for the use of the corporation by virtue of this act, or by virtue of any by-law or act of the corporation, or which may arise from any other source and belong to the corporation, and grant to the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrants under the corporate seal, and signed by the president, "By order of the trustees," and countersigned by the clerk, who shall keep a copy thereof; which warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out of the funds of the said corporation in no other way whatsoever: he shall keep just and accurate accounts of all moneys and other things coming into his hands as treasurer, in a book to be provided by the said corporation for that purpose, and which shall remain the property of the said corporation, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose: and, in a manner equally accurate and specific, in the same book, he shall duly enter an account of all sums paid out; which book shall at all reasonable times be open to the inspection of the taxable inhabitants of said village: he shall, as often as they shall require, render to the board of trustees a minute account of all his receipts and payments, subsequent to his last account rendered, and up to the date of such requisition.

§ 20. Any person who shall be chosen or appointed to any <sup>Penalty.</sup> office created by this act, and shall refuse to accept the same, or shall neglect to take the requisite oath or affirmation within the time limited by this act, shall forfeit and pay the sum of five dollars, to be recovered as other fines are by this act di-

rected to be recovered. And if any person holding an office in said village, shall neglect or refuse to do his duty, or having held an office in said village, shall unreasonably neglect or refuse to deliver over to his successor in office, when thereto notified and required, all the property of every description in his possession belonging or relating to the said corporation, such person so refusing or neglecting, shall forfeit and pay to the trustees of the said village, for the use thereof, such fine, not exceeding one hundred dollars, as said trustees may inflict, to be recovered with costs, in the same manner as other fines are hereby authorised to be recovered.

Special duty  
of officers.

§ 21. It shall be the special duty of every other officer chosen or appointed by virtue of this act, to give notice to the president of said village, of all such violations of any of the by-laws, rules, regulations or ordinances of said village, as shall come to his knowledge.

Sale of ani-  
mals.

§ 22. The said board of trustees, as often as they shall make, ordain and publish any by-laws for restraining animals, may ordain that such animals be impounded, and after reasonable delay, may be sold at public vendue, to pay the penalties imposed for the violation of any such ordinance or by-laws, together with the costs and charges.

Trials, &c.

§ 23. Upon the trial of any issue, or upon the taking or making any inquisition, or upon the judicial investigation of any fact whatever, to which issue, inquisition or investigation, "The President and Trustees" of said village are a party, or in which they are interested, no person shall be deemed an incompetent judge, justice, witness or juror, by reason of his or her being an inhabitant of said village; and if any person shall be sued or impleaded, by reason of any thing done by virtue of this act, or of the by-laws, rules, police regulations or ordinances made in conformity thereto, it shall be lawful for such person to plead the general issue, and give this act, and such by-laws, rules, police regulations and ordinances, and the other special matter in evidence.

Tenure of  
office.

§ 24. It shall be lawful for the officers of the said corporation to hold their respective offices until others shall be chosen or appointed, and qualified in their stead; and in case the first meeting in this act mentioned, or any annual meeting for the election of officers, shall not be held on the days in this act mentioned, it shall be lawful for the inhabitants of the said village to meet on such other day as shall be determined by the then acting trustees of said village; and the like notice shall be given as is provided for in the third section of this act.

Former acts  
repealed.

§ 25. The act entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Herkimer," passed April 6th, 1807, and the several acts in amendment of the same, and all other acts and parts of acts of the legislature of

this state, inconsistent with the provisions of this act, be and the same are hereby repealed so far as they relate to the village of Herkimer; and the legislature may at any time alter, modify or repeal this act, or any part thereof.

## CHAP. 202.

### AN ACT to incorporate the West-Point and Cornwall Turnpike Company.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate and politic, by the name and style of the West-Point and Cornwall Turnpike Company. Corporation created.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities of turnpike incorporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same shall be altered by this act. General powers.

§ 3. The capital stock of said corporation shall be fifteen thousand dollars, to be divided into shares of twenty-five dollars each; and William B. Cozzens, John D'Witt and Charles Davies, of West-Point, Charles Ludlow, of New-Windsor, James Clinton, Aaron Noyes, William Roe and David Crawford, of Newburgh, shall be commissioners to open the books and receive subscriptions. Stock.

§ 4. The said corporation may construct a turnpike road from the lands ceded to the United States by the state of New-York at West-Point, along the west shore of the Hudson river to Cornwall landing. Route of road.

§ 5. The said road may be constructed of such materials as the natural surface of the ground may afford, and of the width of eighteen feet only at such places as the commissioners to be appointed to lay out said road shall deem it impracticable or unnecessary to make it of the full width, and of such materials as is prescribed by law. Dimensions of road.

§ 6. The said corporation may erect upon said road one toll-gate, to be located by the commissioners appointed to lay out said road, and may demand and receive at said gate the following rates of toll, viz : For every stage coach or pleasure carriage drawn by four horses, thirty-one cents; for every other four wheel carriage or sleigh drawn by four horses, twenty-five cents; every pleasure four wheel carriage drawn by Rates of toll.

two horses, eighteen and three-quarter cents; every other four wheel carriage drawn by two horses or mules, twelve and a half cents; for every sulky, chair, chaise or other pleasure carriage drawn by one horse, twelve and a half cents, and for every additional horse, three cents; for every wagon or cart drawn by one horse, eight cents, and for every additional horse, two cents; for every sleigh or sled drawn by one horse, six cents, and for every horse and rider, six cents; for every score of sheep or hogs, six cents; for every score of cattle, horses or mules, twenty-five cents, and in like proportion for a greater number.

Read may be extended.

§ 7. The said corporation may at any time within four years from the passing of this act, extend the said road along the shore of Hudson river to the south bank of Murderers' creek, constructing it in the same manner of like materials as herein before provided, and may for the purpose of effecting such extension increase the capital of said company to twenty thousand dollars, by subscriptions for two hundred additional shares; and whenever such extension shall be completed, the said company may increase the tolls to be received and exacted at their said gate to sums not exceeding the tolls herein before specified by more than one-fourth, or the said company may erect a new gate and collect at it the said additional tolls.

## CHAP. 203.

AN ACT to provide for a permanent District School in Syracuse.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

District No. 4 § 1. School district number four in the town of Salina shall form a permanent school district, and not subject to alteration by the commissioners of common schools for the said town.

Trustees. § 2. The number of trustees of the said district may be increased to five at the annual meeting of the said district, if the inhabitants of the district entitled to vote at such meeting may think it expedient to do so.

May borrow \$2000. § 3. The trustees of the said district are authorised and empowered to negotiate a loan not exceeding the sum of three thousand dollars, at an interest payable annually, upon the faith of the said district, payable at such instalments as they may deem proper, for the purpose of erecting a school-house.

of suitable dimensions and apartments to accommodate the said district, when duly authorised by a vote of the taxable inhabitants of said district, in open meeting, duly held for that purpose.

§ 4. The freeholders and taxable inhabitants of the said dis- <sup>Tax-</sup>trict are authorised and empowered to raise, by an assessment and tax upon the property of the said district, pursuant to law, such sum as may be necessary to pay such loan, with the interest, and to be collected in so many instalments as the said meeting shall direct; each of which instalments, when so voted, shall be assessed, levied and collected as now provided by law in such cases.

## CHAP. 204.

### AN ACT for the preservation of Salmon Trout in the Waters therein mentioned.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall not be lawful for any person to take salmon <sup>First lake, Brown's tract, &c.</sup> trout between the first day of October and the first day of December in any year, by means of spears, in the lake called and known by the name of the First lake, situated in Township No. 7, Brown's tract, in the town of West-Brunswick, in the county of Herkimer, nor in any of the lakes lying easterly of said First lake, and called and known by the names of Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth lake, nor in the lake known by the name of Moose lake, lying southerly of said First lake.

§ 2. Every person who shall offend against the preceding <sup>Penalty.</sup> section, or who shall expose to sale, between the first day of October and the first day of the following February, in the counties of Oneida or Lewis, any salmon trout taken by means of spears from the waters aforesaid, shall forfeit and pay for every such offence the sum of ten dollars.

§ 3. The penalty prescribed in this act shall, upon com- <sup>How to be recovered.</sup>plaint made, be sued for and recovered by and in the name of the overseers of the poor of any town in the counties of Herkimer, Oneida and Lewis, where the offender may be found, in an action to be commenced within one year after the commission of the offence; and the sum so recovered shall be applied to the use of the poor of the town where the conviction takes place, or of the county, where the distinction between town and county poor is abolished.

## CHAP. 205.

AN ACT to incorporate the Lake Champlain and Ogdensburgh Rail-Road Company.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created

§ 1. Lewis Hasbrouck, David Ford, Benjamin Forsyth, Ahaz Hays, George Parish, Sylvester Gilbert, Smith Stilwell, Bishop Perkins, John C. Bush, Baron S. Doty, John Fine, James Averill, Ransom H. Gilbert, Thomas Denny, Samuel Patridge, Benjamin Clark, Jonathan P. Stearns, Elkanah Watsor, Jonah Sanford, Robert Platt, George Marsh and William F. Haile, with such other persons as shall associate with them for that purpose, are constituted a body corporate and politic by the name of "The Lake Champlain and Ogdensburgh Rail-Road Company," with power to construct a single, double or treble rail-road or way from some eligible point on the western shore of lake Champlain, to some suitable place on the river St. Lawrence above the rapids, and in or near the village of Ogdensburgh; with power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the said corporation hereby created, shall not, within three years from the passage of this act, commence the construction of said rail-road or way, and expend, within one year thereafter, the sum of two hundred thousand dollars thereon, and shall not, within ten years from the passage of this act, construct, finish and put in operation one-fourth part of the said rail-road or way, and shall not, within fifteen years from the passage of this act, construct, finish and put in operation one-half of the said rail-road or way, and shall not within twenty years from the passage of this act, complete and put in operation the whole of the said road or way, or in the event of a failure by the company to construct the parts of the said rail-road within either of the times above mentioned, then the rights, privileges and powers of the said corporation under this act, shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be three millions of dollars; which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-laws direct.

§ 4. Lewis Hasbrouck, Sylvester Gilbert, John C. Bush and Thomas Denny, of Ogdensburgh, and Benjamin Clark, Jonathan Sanford, George Marsh, James Duane and William F. Haile, shall be commissioners; the duty of whom it shall be, within the period of six months after the passing of this act, at some suitable place in the city of New-York, and such other place as they may choose to designate, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, in one of the public newspapers in each of the said places; and any two of the said commissioners shall constitute a board to receive subscriptions; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, at such time and place as the said commissioners shall appoint, to choose thirteen directors, and such election shall be then and there made by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said directors. And the time and place of holding the first meeting of directors shall be fixed by the said commissioners. And the said directors shall have power to appoint an engineer, or engineers, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by the directors, of the most advantageous line or lines, for the location of the road: and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they may deem most advantageous for the said rail-road; one of which certificates shall be filed in the office of the register of the city of New-York, and one in the office of each of the county clerks of the several counties through which the said rail-road or way shall pass; which line, course or way, so selected and certified, shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make their single, double or treble rail-road or ways, as hereinafter mentioned; the expenses of all such surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 5. If within three days after the opening of the subscription books as aforesaid, a sum exceeding three millions of dollars shall be subscribed, the commissioners who shall meet for that purpose, shall proceed to apportion the stock among the subscribers, and shall complete the apportionment within sixty days after the opening of said subscription; and any five

Subscriptions  
to stock.

Apportion-  
ment of stock

of the said commissioners shall constitute a board for the purposes of such distribution, if no more than five of the said commissioners shall then attend for the purpose of making such distribution ; and if the full amount of capital be not subscribed within three days as aforesaid, then it shall be the duty of the commissioners to open the subscription books, from time to time, until the whole amount shall have been subscribed. The commissioners shall receive no subscription, unless five dollars on each share subscribed be paid at the time of subscription.

**President.**

§ 6. The said directors to be chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their own number, one president, and one other person to be vice-president ; and in case of the death, resignation, or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen ; and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors ; and in case of the absence of the president and vice-president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

**Election.**

§ 7. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved ; but such election may be held at any other time within sixty days thereafter.

**Title to lands.**

§ 8. In case the corporation shall not be able to acquire the title to the lands through which the said rail-road shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections.

**Petition to vice-chancellor.**

§ 9. The directors may present a petition to the vice-chancellor of the fourth circuit, setting forth by some proper description the lands which are wanted for the construction of the said rail-road, or the appendages thereto, and the names of the owners thereof if known ; distinguished with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain by reason of the appropriation thereof by the said corporation to its own use.



§ 10. On the presentment of such petition, the said vice-chancellor shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing: and in case it shall appear that any of the owners of the said lands is a feme covert, an infant or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf.

Hearing of parties.

§ 11. At the time appointed for such hearing, the said vice-chancellor shall appoint three disinterested freeholders, residents of the county in which the land is situated, for the purpose of assessing such damages; and in the order for their appointment shall direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

Appraisers.

§ 12. The said appraisers, after being sworn before some officer authorised to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such rail-road or its appendages.

To take an oath

§ 13. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with all necessary certainty; the names of the owners of the respective parcels if known, and if not known, stating that fact; and specifying also the damages which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid: and in case either of the parties are dissatisfied with the assessment, the said vice-chancellor may, on the hearing of the parties in interest, modify the assessment as shall appear to be just.

To report.

§ 14. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in the bank which the said vice-chancellor shall direct, the said corporation shall immediately become entitled to the use of the said lands for the purposes aforesaid; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effect as deeds are recorded, without any other proof than the certificate of the said vice-chancellor, that the report is genuine.

Possession on payment of damages.

Road.

§ 15. The said corporation is hereby authorised to construct, erect, build, make and use, a single, double or treble rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll houses and other buildings for the accommodation of their concerns, as they may deem suitable to their interest.

Crossing  
streams or  
roads.

§ 16. Whenever it shall be necessary for the construction of their single, double or treble rail-road or way, to intersect or cross any stream of water or water courses, or any road or highway, it shall be lawful for the said corporation to construct their way or ways across or upon the same; but the corporation shall restore the stream or water courses, or road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Tolls.

§ 17. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single, double or treble rail-road or ways aforesaid, hereby authorised to be constructed, erected, built, made and used; and to take and receive tolls upon any part of said route, whenever and as fast as sections of ten miles are fully completed.

Penalty.

§ 18. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Calls on  
stockholders.

§ 19. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such time, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of such stock, and of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the cities of New-York and Albany, and in each of the counties through which the said road shall pass, and in such other places as the said directors may deem proper to direct.

§ 20. This said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

§ 31. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road. Annual report.

§ 22. If the legislature of this state shall at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the re-payment to the said corporation of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per centum per annum, together with all monies expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 23. The legislature may at any time hereafter alter, modify or repeal this act. Rights reserved.

## CHAP. 206.

*AN ACT to incorporate the President, Directors and Company of the Salina Bank.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be established in the village of Salina, in the county of Onondaga, a bank, to be called "The Bank of Salina," whose operations of discount and deposit shall be carried on in said village, and not elsewhere. Name.

§ 2. All persons who shall become holders of the capital stock of the said bank pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of "The President, Directors and Company of the Bank of Salina," and such corporation shall continue until the first day of January, in the year eighteen hundred and sixty-two. Corporation created.

Banking  
powers.

§ 3. The said corporation shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restriction.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under an act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into seven thousand and five hundred shares, of twenty dollars each; and Nehemiah H. Earll, Nathaniel Munro, Ashbel Kellogg, David Munro, Moses D. Burnett, Thomas I. Gilbert, Hezekiah Strong, Charles A. Barker, and Albert Crane, are hereby appointed commissioners to receive subscriptions to the said capital stock.

Subscription  
book.

§ 7. The commissioners, or any two of them, in case they shall not all attend, shall open a subscription book for the said stock, on such day and at such place in the village of Salina, as they shall appoint, and shall give at least fourteen days' previous notice of such time and place, in one or more newspapers printed in the town of Salina, and in the state paper.

To be kept  
open three  
days.

§ 8. The book for subscriptions shall be kept open at least three days, and the sum of one dollar on each share subscribed for shall be paid to the said commissioners at the time of making such subscription.

Further sub-  
scriptions.

§ 9. If the whole of the capital stock be not taken up during the said three days, the commissioners may receive further subscriptions on such other day or days, and at such place

in said village of Salina, as they, or a majority of them, shall from time to time appoint, until the whole capital stock of the said corporation shall be taken up, giving public notice thereof as directed by the seventh section of this act.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto; and in case there shall be subscriptions to more than the amount of such stock within the time above prescribed, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interest of the institution; but there shall not be allowed to any one of the subscribers or commissioners, directly or indirectly, or to any one in trust for him, more than one hundred shares of said stock, if without such allowance the whole stock be taken up: and if, at the expiration of the third day on which the subscription books shall have been kept open, the whole amount of the capital stock shall not have been subscribed, then the commissioners may subscribe for the remaining shares. Distribution of stock.

§ 11. No corporation having banking powers under the authority of this state or of the United States, shall be permitted or authorised, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created; nor to purchase, take or hold any part of such stock, except when the same shall have been hypothecated in good faith in security for a debt or loan; and in such case the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly; and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund. Restriction.

§ 12. The stock, property, affairs and concerns of the said corporation shall be conducted by thirteen directors, being stockholders of said corporation of at least twenty-five shares, and citizens of this state. Directors.

§ 13. The first election of directors under this act, shall be held at such time and place in the village of Salina, as shall be directed by the commissioners herein before appointed; and the said commissioners are hereby appointed inspectors of such first election; and the directors then to be elected shall hold their offices until the second Tuesday of June, in the year eighteen hundred and thirty-three, and until others are elected; and First election

the said election shall be holden within two months after the capital stock shall have been subscribed.

Subsequent  
elections.

§ 14. The directors for every subsequent year shall be elected on the second Tuesday of June in every year, at such time of day, and at such place within the village of Salina, as a majority of the directors for the time being shall, by resolution to be entered on their minutes, appoint; and shall hold their offices one year, and until others are elected in their stead.

Notice.

§ 15. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in one or more of the newspapers printed in the town of Salina.

Votes.

§ 16. Each stockholder at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own right, at least fourteen days previous to the time of voting; and at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law, except that in case any one person shall hold more than eight hundred shares, including all others which may be held in trust for him, no more than eight hundred votes shall be given upon all such shares.

Elections  
how conduct-  
ed.

§ 17. All elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons have an equal number of votes, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number.

Vacancies.

§ 18. If any director shall remove out of the state or cease to be a stockholder to the amount of twenty-five shares, his office shall be deemed vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person as the remainder of the directors for the time being, or a majority of them, shall appoint.

President.

§ 19. The directors elected, as soon as may be after their election, shall proceed to elect one of their number by ballot, to be their president.

Banking  
when to com-  
mence.

§ 20. The said corporation shall not commence the business of banking until the whole of the capital stock of the corporation shall have been paid to the said corporation in specie or current bank bills; and no check, draft or certificate of deposit shall be received; and an affidavit shall have been made by the president and cashier of said corporation, and filed with

the comptroller, setting forth that such payment has been made, and that no loan has to the knowledge of such officers been made to enable any stockholder to pay up the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by such corporation: and any wilful false swearing in any such oath, shall subject the person guilty thereof, to the pains and penalties of perjury.

§ 21. The directors of the said corporation shall have power, Officers. from time to time, to appoint so many officers, clerks and servants, for carrying on the business of the corporation, and with such compensation as to them shall seem meet.

§ 22. The directors for the time being shall also have power By-laws. to make and prescribe such by-laws, rules and regulations as shall be needful, touching,

1. The government of the said corporation, and the management and disposition of its stock, business, property, estate and effects:

2. The time, manner and terms at and upon which discounts and deposits shall be made and received in and by the same:

3. The duties and conduct of the officers, clerks and servants employed by the said corporation; and,

4. All such matters as may appertain to the concerns of the institution.

§ 23. The directors for the time being shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed, at such time and in such proportions as such directors shall see fit, under pain of the forfeiture of their shares upon which such payments are required, and all previous payments thereon, to the said corporation. Calls on stockholders.

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week, for four weeks successively, in one or more of the newspapers printed in the town of Salina and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorise, in case of his default to comply therewith, the forfeiture above provided. Notice thereof.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt issued under the seal of such corporation, assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to Bills, notes, &c. assignable.

be a bank note to be issued by said corporation, shall be deemed and taken to be payable at the banking house of the said corporation.

**Dividends.**

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable.

**Transfers.**

§ 27. No transfer of any stock in the said corporation shall be valid, until such transfer shall have been registered in a book to be kept for that purpose by the directors of such corporation; which book shall at all reasonable hours of transacting business, be open to the examination of any person having in his possession any note, bill or other evidence of debt, issued by such corporation, the payment of which shall have been refused, or of any stockholder of such corporation.

**Penalty.**

§ 28. If any officer of such corporation having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

**In case of neglect or refusal to redeem notes.**

§ 29. If at any time the president, directors and company of the said corporation shall neglect or refuse, for ten days after demand at their banking house, during the regular hours of doing business, to redeem in specie any evidence of debt issued by the said corporation, the said president, directors and company shall discontinue and close, until they shall resume payment as aforesaid, all their operations and business, except the securing and collecting of debts due or becoming due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following.

**Application to chancellor.**

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor, by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if such chancellor, after due examination, shall find that the proceedings of said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

**Damages.**

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.



§ 32. It shall not be lawful for the said corporation to redeem bills, notes or other evidences of debt of any monied institution, without the jurisdiction of this state, and which shall be made payable at the said bank of Salina; and it shall not be lawful for said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state. Restriction.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the operation of the provisions contained in that chapter, except so far as the same are modified by the act recited in the next following section. General powers.

§ 34. The said corporation shall be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829, so far as the same shall be in force at the time of passing this act. Subject to act of April 2, 1819

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock as security for any loan or discount made by said corporation. Loans.

§ 36. The legislature may at any time modify, alter or repeal this act or any of its provisions. Rights reserved.

## CHAP. 207.

**AN ACT to amend the Act entitled "An Act to incorporate the Buffalo and Hamburgh Turnpike Company," passed January 23d, 1830.**

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The Buffalo and Hamburgh turnpike road shall terminate on the north bank of the Big Buffalo creek, at or near the place where the former bridge was erected.

§ 2. The time for completing said road is hereby extended until the twenty-third day of January, one thousand eight hundred and thirty-seven.

## CHAP. 208.

## AN ACT to incorporate the Poughkeepsie Whaling Company.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. James Hooker, Matthew Vassar, Gilbert Brewster, Walter Cunningham, Thomas L. Davies, and such others as now are or hereafter may be associated with them, for the purpose of engaging in the whale fishery in the Atlantic and Pacific oceans and elsewhere, and in the manufacture of oil and spermaceti candles, are hereby constituted a body corporate, by the name of the Poughkeepsie Whaling Company, to be located in the village of Poughkeepsie.

Capital stock

§ 2. The capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars, and be divided into shares of fifty dollars each ; but it shall be lawful for the said corporation, when and so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid in, and an affidavit to be made by the president of the said company, showing that the said sum of fifty thousand dollars has been so paid in, shall be filed in the office of the secretary of state, to commence its said business, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned.

Subscriptions  
to stock.

§ 3. The subscription to the said stock shall be opened under the direction of James Hooker, Matthew Vassar, Gilbert Brewster, Walter Cunningham, Thomas L. Davies, Paraclete Potter, Nathan Conklin, Alexander J. Coffin and Richard Pudney, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days and at such places in the village of Poughkeepsie as they shall appoint, giving at least fourteen days previous notice of such time and place of receiving subscriptions in two of the public newspapers, one printed in the said village of Poughkeepsie, and the other in the city of New-York ; and the sum of five dollars on each share subscribed, shall be paid to the said commissioners at the time of subscribing as aforesaid ; and in case the amount of two hundred thousand dollars of the stock shall not be taken on said day, then the said commissioners, may on such other day or days, and at such other place or places as they shall from time to time appoint, receive further subscriptions, until the whole required capital stock shall have been subscribed for and taken up.

§ 4. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto in such a manner and to such amount as they shall deem most advantageous to the interests of the corporation : but no such distribution shall be made until fifty thousand dollars of such stock shall have been subscribed. Distribution of stock.

§ 5. The stock, property, affairs and concerns of the said corporation shall be managed and conducted by nine directors, who shall choose one of their number to be their president, and who shall hold their offices for one year from the first Tuesday of January in every year, which said directors, except those appointed by this act, shall be stockholders to an amount not less than ten shares, and citizens of the United States ; and the said directors shall be elected on the last Tuesday in December in every year, and at such time of the day, and at such place in the village of Poughkeepsie as a majority of the directors for the time being may appoint ; and the said directors shall appoint three of the stockholders of the said company who are not directors to be inspectors of the said annual election ; and public notice of such election shall be given by the directors, not less than fourteen days previous to the time of holding the same, by an advertisement to be inserted in one of the newspapers printed in the village of Poughkeepsie ; such election shall be made by ballot, either in person or by proxy, and each stockholder shall be entitled to give one vote for each share held by him ; and the nine persons having the greatest number of votes at an election, shall be directors. But if at any election it shall so happen that nine directors shall not be elected upon the first ballot by the greatest number of votes, by reason of two or more persons receiving an equal number of votes, then the directors in office at the time of such election, shall appoint a sufficient number of persons from among those having an equal number of votes, to complete the number of nine directors. And if any vacancy shall at any time happen among the directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, by such person as the remainder of the directors for the time being shall appoint ; and the persons above named as commissioners shall be directors until the first Tuesday in January, in the year one thousand eight hundred and thirty-three. Directors.

§ 6. In case it should at any time happen that an election of directors should not be made on the day upon which pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws and ordinances of the said corporation and until such new election shall be had ; the Election.

directors of the preceding year shall continue to be directors of the said corporation.

Calls on  
stockholders.

§ 7. The president and directors of the said company may call for and demand of the stockholders or subscribers for stock, all such sums of money as are by them respectively subscribed, which said sums such stockholders and subscribers are hereby declared liable to pay at such times and in such proportions as the said president and directors shall deem best for the interest of the company; the said president and directors giving thirty days' previous notice of such call or demand in one of the public newspapers printed in the village of Poughkeepsie; and in case of failure to pay the same, the said president and directors may declare the shares of such subscriber or stockholder so failing, forfeited, and such shares with all previous payments made thereon, shall be thereby forfeited and become the property of the said corporation.

Transfers.

§ 8. No transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. The stock shall be deemed to be personal property.

Real estate.

§ 9. The said corporation shall be authorised to purchase and hold real estate to an amount not exceeding twenty-five thousand dollars, and convey the same.

Duration of  
charter.

§ 10. The said corporation shall continue during the period of twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Rights re-  
served.

§ 11. The legislature may at any time alter, modify or repeal this act.

Foreigners.

§ 12. No foreigner shall ever be a stockholder, or in any way interested in said company.

Act to take  
effect.

§ 13. This act shall take effect from the passage thereof.

## CHAP. 209.

AN ACT to incorporate the Hyde-Park Dry Dock and Manufacturing Company.

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. David Barnes, jun. Morris Sleight, Alexander McClellan, Richard D. C. Stoutenburgh, Lewis Mann, John For- man, and such other persons as now are or may be hereafter

associated with them, are hereby constituted a body corporate by the name of "The Hyde-Park Dry Dock and Manufacturing Company," for the purpose of constructing, using and providing one or more dry or wet docks, with marine railways and other conveniences for building and repairing vessels of every description, and also for grinding flour, plaster, dye-woods, and manufacturing cotton and woollen goods.

§ 2. The capital stock of the said company shall be fifty <sup>Stock.</sup> thousand dollars, which shall be divided into shares of twenty-five dollars each; but it shall be lawful for the said corporation when twenty-five thousand dollars shall have been subscribed and paid in, to commence their said business, and with that capital to carry on the operations of the said company until they may find it necessary to extend their capital, which they are authorised to do from time to time, to the amount herein before mentioned.

§ 3. The company hereby incorporated shall be capable of <sup>Real estate.</sup> purchasing, holding and conveying or hiring such lands, tenements and hereditaments as may be necessary to carry into effect the objects of said incorporation.

§ 4. Subscriptions to the capital stock of said company shall be opened under the direction of David Hosack, Ephraim <sup>Subscription to stock.</sup> Holbrook and Benjamin Allen, or any two of them, commissioners for that purpose, hereby appointed, and authorised to receive subscriptions to the said capital stock on such day and at such place in the county of Dutchess as they shall appoint, giving at least fourteen days' notice of such time and place of subscription in one of the public newspapers published in the village of Poughkeepsie, and that the sum of one dollar on each share shall be paid to the said commissioners on such subscriptions as they shall receive as aforesaid; and in case the said sum of twenty-five thousand dollars of the stock should not be taken on said day, then the said commissioners or a majority of them are authorised on such other day or days, and at such place as they shall appoint, to receive further subscriptions until the whole stock required shall have been subscribed for and taken up.

§ 5. The stock, property and concerns of the said company <sup>Directors.</sup> shall be managed and conducted by five directors; any three may be a quorum to transact business, one of whom to be president, who may respectively hold their offices for one year, and until others are chosen, and no longer: and the said board shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day and at such place as shall be designated by the said commissioners, or a majority of them; and the said commissioners are hereby appointed inspectors of said election; and the said board then chosen shall hold their offices until the first Monday of June

thereafter, and until others shall be elected in their stead: and the said directors, after the said term shall have expired, shall be chosen annually on the first Monday in June in each year, and at such place as a majority of the directors may prescribe; of which election notice shall be given at least fourteen days previous, by publication in one of the newspapers published in the village of Poughkeepsie, and such election shall be holden under the inspection of two stockholders, to be appointed by the directors for the time being, and shall be by ballot, by a plurality of votes, allowing one vote for every share, and the stockholders not present may vote by proxy.

**Election.**

§ 6. In case it shall at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

**Transfers.**

§ 7. The stock of the said corporation shall be assignable and transferrable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property.

**By laws.**

§ 8. The directors for the time being shall have power to make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, effects and concerns of the said corporation, the duties of the officers, clerks, factors, agents and servants by them employed, the election of directors, the assignment and transfer of stock, and every other matter relating to the said corporation, and necessary to carry into effect any part of this act, with power to appoint such agents, officers, clerks, factors and servants of every kind, for carrying on the business of said corporation, as to the said directors shall seem proper, and to dismiss such persons and appoint others at pleasure: such by-laws and regulations shall not be repugnant to the constitution and laws of this state, nor to this act.

**Accounts.**

§ 9. The directors shall at all times keep or cause to be kept at their office, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times be subject to the inspection of the stockholders: and the directors, on going out of office, shall account to their successors, and pay over all moneys of the company in their hands.

**Duration of charter.**

§ 10. The duration of the company created by this act shall be twenty-one years.

§ 11. The said corporation shall possess the general powers of a corporation, as defined in the third and fourth titles of the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the operation of the provisions of that chapter. General powers.

§ 12. The legislature may at any time alter, modify, amend or repeal this act. Rights reserved.

## CHAP. 210.

*AN ACT to repeal certain Provisions of the Revised Statutes which require the Clerks of the Supreme Court to procure and keep Records of Transcripts of Judgments docketed in the Clerk's Offices of the Circuit and District Courts of the United States.*

Passed April 20, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. That the forty-third and forty-sixth sections of title seventeen, chapter eight, part third of the Revised Statutes of this state be and the same are hereby repealed. Sections repealed.

§ 2. At the respective times when the clerks of the supreme court are by law required to transmit certified copies of dockets of judgments in the said court, the clerk of the supreme court in Albany shall procure from the clerks of the United States courts in this state, certified transcripts of all judgments rendered in the courts of which they are clerks, and docketed since the last certified transcripts of such dockets were obtained; which transcripts he shall copy into books provided as specified in the thirty-ninth section of the title hereby amended, and shall immediately thereafter transmit said transcripts to the clerk of the supreme court in Geneva, who shall in like manner copy the same. Transcripts of judgments in U. S. courts to be procured.

§ 3. The clerks of the supreme court, except the clerks in New-York and Utica, shall be entitled to the same fees for searches, and for certified copies from any of the dockets so entered by them, as herein before and by the title hereby amended is provided, as are allowed by law for similar services in respect to dockets of judgments rendered in the supreme court. Fees.

§ 4. This act shall take effect as soon as the clerks of the United States courts aforesaid shall file with the clerk of the supreme court in Albany a consent in writing to furnish such transcripts as aforesaid, and an agreement between themselves to furnish each other with transcripts of all judgments To take effect.

in their offices docketed since the first day of January, in the year of our Lord one thousand eight hundred and thirty, and to continue to furnish the same to each other on the first and fifteenth days of every month hereafter. This act to continue in force as long as said clerks shall voluntarily furnish all such transcripts as are herein before mentioned.

## CHAP. 211.

AN ACT to amend the provisions of the Revised Statutes entitled "*Of the removal of Causes to the Court of Common Pleas by Certiorari.*"

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Any officer authorised to perform the duties of a justice of the supreme court at chambers, may allow writs of certiorari upon judgments rendered before justices of the peace in any county of this state.

§ 2. All writs of certiorari heretofore allowed by any officer authorised to perform the duties of the justice of the supreme court, upon any judgment rendered before a justice of the peace in any county in this state, and which have been decided by or are now depending in any court of common pleas, shall be as valid and effectual as if the same had been allowed by such officer residing in the county where such judgment was rendered.

## CHAP. 212.

AN ACT to survey and settle the North Boundary Line of the County of Putnam.

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be the duty of the surveyor-general to survey, run out, and designate by proper land-marks, the boundary line between the counties of Putnam and Dutchess, the same being the northerly line of the county of Putnam, as the same is laid down and described in the third volume of the Revised Statutes, as nearly as the said boundary line can be ascertained; but such survey shall not be made until the expense thereof shall be provided for by the counties of Dutchess and Putnam, or one of them.



§ 2. The said boundary line, when so run and designated, shall be and remain the boundary line between the said counties.

## CHAP. 213.

AN ACT to renew the Charter of the North American Coal Company.

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The charter of the North American coal company, passed April 6th, 1814, shall be and is hereby renewed for the term of twenty-one years, subject to such of the provisions contained in the Revised Statutes, in relation to incorporated companies, as are not repealed. Charter extended twenty-one years.

§ 2. The said corporation shall annually, on the first Monday of March, make a return to this legislature, shewing the amount of capital actually invested by them, and also the number of tons of coal imported by them into this state, in the preceding year, ending on the thirty-first day of December preceding such return. Annual return.

§ 3. The legislature may at any time alter, modify or repeal this act. Rights reserved.

## CHAP. 214.

AN ACT in relation to the Village of Watertown.

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The election of officers for said village at a meeting of the inhabitants held on the first Monday of April instant, and all acts and doings of the inhabitants of said village at said meeting and of the officers, shall be taken and deemed as valid and effectual as if two weeks' notice had been given, according to law, of said meeting.

§ 2. This act shall take effect immediately after its passage.

## CHAP. 215.

**AN ACT to incorporate the Commercial Insurance Company of the City of New-York.**

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**Name.**

§ 1. There shall be established in the city of New-York a marine insurance company, to be called "The Commercial Insurance Company of the City of New-York;" the said company shall carry on their business in the city and county of New-York, and not elsewhere.

**Corporation created.**

§ 2. All such persons as shall hereafter be stockholders of the said company, shall be and they are hereby declared to be a body corporate and politic, in fact and in name, by the name and style of the commercial insurance company of the city of New-York.

**Stock.**

§ 3. The capital stock of the said corporation shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each.

**Insurance.**

§ 4. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods or merchandize, freight, bottomry, respondentia, interest, and all marine risks and inland navigation, and also to lend money on bottomry and respondentia; and they may also cause themselves to be insured against maritime risks, upon the interest which they may have in any vessels, goods or merchandize in virtue of any such loans, or bottomry, or respondentia.

**Directors.**

§ 5. The stock and affairs of the corporation shall be managed and conducted by fifteen directors, each of whom shall be a stockholder of at least ten shares, a citizen of the United States, and a resident within this state; they shall be elected on the fourth Monday in May in each and every year, at such time of the day, and at such place in the city of New-York as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer; and notice of the time and place of such annual election shall be published daily for the space of one week next preceding the same, in at least two of the public newspapers printed in the said city; and every such election shall be held under the inspection of three or more stockholders in said company not being directors, and shall be made by ballot, by a plurality of votes of the stockholders present, allowing one vote for every share; and stockholders not personally present, being citizens of the United States, may

vote by proxy, such proxy being granted directly to the person representing them in such election.

§ 6. William Wheelright, Allan W. Dodge and John Stevens shall be commissioners, whose duty it shall be, on the first Monday in May next, at some suitable place in the city of New-York, to open books and receive subscriptions to the capital stock of the said corporation; and ten days' public notice shall be given by the said commissioners of the time and place of the opening of such books, in two of the public newspapers printed in said city; and ten dollars on each share subscribed shall be paid the commissioners at the time of making the subscription; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders to choose fifteen directors; and the said commissioners shall be inspectors of the first election of directors of the said insurance company, and shall certify under their hands the names of those duly elected, and deliver over the subscription books; and the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the directors be chosen at such meeting, or at such annual elections, shall, as soon as may be after every election, choose out of their own body one person to be president, and one other person to be assistant president, which president, or in case of his death, resignation or absence, the assistant shall preside, until the next annual election thereafter, or until another president shall be chosen; and in case of the death or resignation of the president or assistant, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president and assistant, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions, as the by-laws of the said corporation may provide.

Subscription to stock.

Directors to be chosen.

§ 7. The stock of the said corporation shall be assignable and transferrable, and shall be considered as personal property.

Transfers.

§ 8. All policies of insurance and other contracts which are authorised by this act, which shall be made or entered into by the said corporation, may be made either under or without the seal thereof, and shall be subscribed by the president, or such other officer as shall be designated for that purpose by the by-laws of the said corporation, and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the tenor, intent and meaning of this act, and of such policies and contracts; and the insured may thereupon, in case of loss arising, maintain an action on the case against such corporation; and all such policies and contracts may be

Policies of insurance.

so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted and carried on, without the presence of a board of directors, by the president and assistant, or of either of them, with a director, or by a committee to be appointed for such purposes; and the acts of such president and assistant, or of either of them, with a director, or of such committee, if done under and in conformity to the by-laws of the said corporation, shall be binding and obligatory on it, to all intents and purposes.

*Dividends.*

§ 9. It shall be the duty of the president and directors, on the first Mondays of January and July in each and every year, to make a dividend of so much of the profits of the said corporation, as to them, or a majority of them, shall appear advisable: and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made, until a sum equal to such diminution, and arising from the profits of the said corporation, shall have been added to the capital. No dividend shall be made off any premium received by the said president and directors for any contract of insurance, until the voyage or risk insured be terminated.

*Deposition to be made and filed.*

§ 10. Before the said corporation shall commence any business, or assume any risk in pursuance of this act, the president and secretary of the said company shall make a deposition in writing before the mayor or recorder of the city of New-York, and file it in the office of the clerk of the city and county of New-York, that the capital stock of the said corporation has been paid in, or secured to be paid, either in the stocks of the United States, or the public stocks created by this or any other state, or in the stock of any incorporated bank of this state which shall be at par in the market at the time, or in the stock of the corporation of the city of New-York, or upon bond and mortgage upon unincumbered real estate in this state, of the value of thirty-three and one-third per cent more than the amount loaned thereon, exclusive of buildings, unless the same shall be insured from loss by fire, and that all funds or moneys at any time under the control of the said corporation, shall be loaned on the securities as above specified, nor shall any loan be made upon any other than the securities aforesaid, and every person guilty of wilful false swearing in the premises, shall be subject to all the pains and penalties of perjury.

*Real estate.*

§ 11. The said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of its business, or such as may be bona fide mortgaged to the said company by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or de-

crees, which it shall have obtained for such debts; and with regard to all such real estate as aforesaid, except such as may be necessary for its immediate accommodation, or such as shall be bone fide mortgaged as aforesaid, the said corporation shall be bound to dispose of the same respectively, within five years after the acquisition thereof, otherwise the same shall be forfeited and vested in the people of this state.

§ 12. This act shall continue in force for and during twenty-<sup>Duration of act.</sup> one years next ensuing, and that in respect of all debts which shall be contracted by the said corporation before the time limited for the expiration of this act, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their respective share in the funds of the said corporation at that time, and no farther, in any suit or action to be brought or prosecuted after the dissolution of the said corporation.

§ 13. The said corporation shall possess the general powers<sup>General powers.</sup> of a corporation as defined in title third in the eighteenth chapter of the first part of the Revised Statutes as are not repealed, and shall be subject to the operations and provisions of that chapter.

§ 14. The legislature may at any time alter, modify or re-<sup>Rights reserved.</sup>peal this act.

## CHAP. 216.

### AN ACT to incorporate the Elmira and Williamsport Rail-Road Company.

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Solomon L. Smith and William Maxwell, and such<sup>Corporation created.</sup> other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Elmira and Williamsport Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point in the village of Elmira to the line of the state of Pennsylvania, within the county of Tioga; to take, transport, carry and convey property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

§ 2. If the corporation hereby created shall not, within<sup>Time limit.</sup> three years from the passage of this act, commence, and within

five years thereafter, construct, finish, and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be seventy-five thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

Subscriptions  
to stock.

§ 4. Caleb Baker, Solomon L. Smith, William Jenkins, Abraham McHenry, James Griswold, Robert Covell, Isaac Baldwin, William Maxwell, Charles Orwan, Darius Bently, John Jackson, William Baldwin and George Gardner, shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the village of Elmira, or in the city of New-York, or in the city of Albany, or in each or all those places, as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription, for the space of three successive days: and within ten days thereafter, the said commissioners shall meet at the village of Elmira; and if more than seventy-five thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless two dollars and fifty cents on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Elmira, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

Election of  
directors.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers published in the village of Elmira, for a meeting of the stockholders, at such time and place in said village, as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote: and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and sur-

veys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the village of Elmira, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said village. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

§ 9. The corporation is hereby empowered to purchase, receive and hold such lands as may be necessary and convenient

in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive hold and take all such voluntary grants and donations of land, for the purpose of said road, as shall be made to the said corporation to aid in the construction, maintenance and accommodation of said single or double rail-road or way: but all lands thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the sixth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Tioga, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services and expenses. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisalment of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the sixth circuit, the said corporation shall be possessed of all such land, and may enter upon and take possession, and use the same for the purposes of the said road.



§ 10. In case any married woman, infant, idiot, or insane <sup>Rights of infants, &c.</sup> person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

§ 11. The said corporation shall have power to regulate <sup>Tolls.</sup> the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

§ 12. If any person shall wilfully do or cause to be done, <sup>Penalty.</sup> any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 13. Whenever it shall be necessary for the construction <sup>Crossing streams or roads.</sup> of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway thus interrupted, to its former state, or in a sufficient manner not to have impaired its usefulness.

§ 14. It shall be lawful for the directors to require pay- <sup>Calls on stockholders.</sup> ment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspapers, published in the village of Elmira.

§ 15. The said corporation shall possess the general powers, <sup>General powers.</sup> and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

§ 16. The directors of said company shall make an annual <sup>Annual report.</sup> report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like man-

ner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purposes of said rail-road.

State may  
purchase  
road.

§ 17. If the legislature of this state shall, at the expiration of ten, and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, with interest on said sum at the rate of fourteen per cent per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Rights re-  
served.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 217.

### AN ACT to incorporate the Village of Geneseo.

Passed April 21, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Bounds of the  
village.

§ 1. All that district of country hereinafter described, shall be known and distinguished by the name of the "Village of Geneseo;" that is to say, all that part of the town of Geneseo in the county of Livingston, bounded and described as follows, to wit: on the east by the east line of Temple-Hill-street, and the same line extended northerly and southerly so far as to intersect the north and south bounds of said village; on the south by a line parallel with and seventeen rods distant southerly from the south bounds of South-street, and the same line extended easterly and westerly so far as to intersect the east and west bounds of said village; on the west by a line parallel with and seventeen rods distant westerly from the west bounds of Front-street, and the same line extended northerly and southerly so far as to intersect the north and south bounds of said village; and on the north by a line parallel with and seventeen rods distant northerly from the north bounds of North-street, and the same line extended easterly and westerly so far as to intersect the said east and west bounds of said village. The said village shall also include all that part, if any, of the land conveyed to the supervisors of said county for a

site for a court-house and jail, as lies north and west of the district of country above described.

§ 2. The inhabitants of said village shall be a corporation by the name of "Trustees of the village of Geneseo." Corporation created.

§ 3. The first annual meeting of the said inhabitants shall be held on the first Monday in June next, at one o'clock in the afternoon, at the house now occupied by Amos Adams, in said village. Every annual meeting thereafter shall be held at such time and place in said village as shall have been designated therefor at the next preceding annual meeting. The trustees may call special meetings. Annual meetings.

§ 4. Eight days' previous notice of the time and place of holding any meeting of the inhabitants of said village, or of any such district thereof, as is hereinafter mentioned, shall be given by putting up written or printed notices thereof, at four or more public places in said village. Notice.

§ 5. Such notice of the first meeting of the inhabitants of said village shall be given by a justice of the peace residing therein. Notice of every other meeting of the said inhabitants, or of the inhabitants of any such district, shall be given by the trustees of the said village. Notice of first meeting.

§ 6. If for any cause whatever the first meeting of the inhabitants of said village shall not be held on the day specified in the foregoing third section, any five freeholders of said village may give notice of the time and place for holding such first meeting, which shall be on some day previous to the fourth day of July next. Saving clause.

§ 7. At the said first meeting such person shall preside as the inhabitants then present shall choose for that purpose. At every other meeting of the inhabitants of said village, or of any district thereof, the trustees of the said village, or some one of them, shall preside. Person presiding.

§ 8. The person or persons presiding at any meeting shall have the like authority to preserve order, to enforce obedience, to commit for disorderly conduct, to judge of the qualifications of any person offering to vote for any officers to be elected, or upon any resolution to be offered, and to canvass the votes given, and to declare the result thereof, as is given to the persons presiding at a town-meeting. His power.

§ 9. At each annual meeting of the inhabitants of said village, the inhabitants entitled to vote for officers shall appoint the time and place for holding their next annual meeting, and elect by ballot five trustees, one clerk, one treasurer, three assessors, one collector, and five fire-wardens of said village, who shall respectively hold their offices until the next annual meeting, and until others are chosen in their places, and have given notice of their acceptance. Officers to be chosen.

To notify  
their accep-  
tance.

§ 10. The officers chosen at the first annual meeting shall, within ten days after their election, deliver to the person who shall have presided thereat, written notices of their acceptance of the office to which they have been respectively chosen, to be by such person filed with the clerk of said village. All officers who shall thereafter be chosen or appointed for said village, shall within ten days after their election or appointment, deliver a like notice to the clerk of said village, who shall file the same.

Qualifi-  
cations.

§ 11. All officers shall be residents, and the trustees and assessors shall be freeholders in said village.

Voters.

§ 12. No person shall be entitled to vote for any officer of said village, unless he resides therein, and possess the qualifications requisite to entitle him to vote at town-meetings in the town of Geneseo. No person shall be entitled to vote on any question relating to the raising or appropriating of moneys in said village, unless he be a taxable inhabitant thereof.

Taxes.

§ 13. Taxable inhabitants of said village shall have power at any annual or special meeting, to direct the raising by tax, of such sums, not exceeding five hundred dollars, during the first year after this act takes effect, and not exceeding two hundred dollars during any subsequent year, as they may deem necessary to carry into effect the intent and provisions of this act, except such provisions as relate to the digging of wells and the construction of cisterns, aqueducts and reservoirs of water.

President

§ 14. It shall be the duty of the trustees of said village, within ten days after each annual meeting, to choose one of their number to be the president of the said corporation. Such president shall preside at all the meetings of the trustees to be held during the term of his appointment. In case of his absence from any such meeting, the trustees attending shall choose one of their own number to preside and perform the duties of the president in his absence.

Meetings of  
trustees.

§ 15. It shall be the duty of the said trustees to hold stated meetings at the times prescribed in their by-laws, and to hold special meetings when called in the manner provided by said by-laws, and to publish the by-laws, rules, regulations and ordinances which they shall make and ordain, for two weeks, in one of the newspapers printed in the said village.

Police regula-  
tions.

§ 16. The said trustees shall have power,

1. To purchase fire-engines, and other usual and necessary apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof.

2. To inspect and cause to be inspected, fire places, chimneys, stoves and stove pipes, and to cause the same to be put

and kept in safe condition, and to enter and to empower others to enter houses for such purposes at all proper times.

8. To compel the inhabitants of said village to provide and keep fire buckets.

4. To compel the said inhabitants to make scuttles in the roofs of their buildings.

5. To prescribe the powers and duties of the fire wardens.

6. To organize and provide for the government and exercise of fire companies and hook and ladder companies.

7. To compel the inhabitants of said village to deposit their ashes in safe places.

8. To provide for the digging of wells, and the making of aqueducts and cisterns and reservoirs of water, in the manner hereinafter mentioned.

9. To purchase bay-scales, and regulate the manner and prices of weighing hay and other commodities, and to appoint a weigh master, who shall hold his office during the pleasure of said trustees.

10. To prevent and remove obstructions in the streets and side-walks, and to prevent injuries thereto, and also to prevent improper and immoderate riding and driving.

11. To restrain the running at large in said village of cattle, horses, sheep, swine and geese.

12. To provide for the safe keeping and repairing of the property of the corporation.

13. To appoint the times and places of holding their stated and special meetings, and to prescribe the manner of calling special meetings.

14. To fill vacancies that shall happen in any office from any cause, by appointments under the hands of the president and clerk and the seal of the corporation.

15. To direct the times within which the assessors of said village shall complete their assessments, and to correct such assessments on appeal.

16. To require of the treasurer and collector of said village such security for the faithful performance of the duties of their respective offices as they may deem proper.

17. To issue warrants, under their hands, for the collection of taxes, to renew the same on any tax not having been collected, and to direct the time within which the collector shall collect and pay over the same.

18. To prescribe the manner in which moneys shall be drawn from the hands of the treasurer.

19. To make and ordain and alter, amend and repeal all such by-laws, rules, regulations and ordinances which may be necessary to carry into effect the intent and provisions of this act, which shall take effect after the expiration of eight days after the first publication.

20. To prescribe and ordain suitable fines, penalties and forfeitures for offences against such by-laws, rules, regulations and ordinances and the provisions of this act, not exceeding ten dollars for any one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

*Districts.*

§ 17. It shall be the duty of said trustees, once in two years, to divide said village into a convenient number of districts, and number the same. Whenever they shall deem any well, aqueduct, cistern or reservoir of water necessary in any such district for the extinguishment of fires therein, they shall call a meeting of the taxable inhabitants of such district, specifying in the notice of such meeting the object thereof. A majority of the taxable inhabitants of such district shall have power at such meeting to direct the raising by tax, upon the taxable property within such district, such sums as they may deem necessary to carry into effect the objects specified in such notice.

*Fire company.*

§ 18. The said trustees shall have power to organize a fire company to every fire engine possessed and kept in repair by said village, and so many hook and ladder companies as they may deem necessary. Such company shall be composed of persons who shall be appointed under the hands of the president and clerk, and the seal of the corporation; but no fire company shall contain more than twenty-five persons, and no hook and ladder company shall contain more than ten persons.

*Clerk.*

§ 19. The clerk of said village shall have the custody of the records, books and papers of said corporation, and shall file and preserve all papers delivered to him for that purpose. He shall attend all the meetings of the inhabitants of said village and of said district, and of the said trustees, and record the proceedings of such meetings in a book or books, to be provided for that purpose; he shall keep a poll-list of the names of persons voting at any election of officers for said village. In case no clerk shall be attending at any such meeting, such person as shall be chosen or appointed therefor, shall on such occasion perform the duties appertaining to the office of clerk.

*Treasurer.*

§ 20. It shall be the duty of the treasurer of said village, to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees, to receive all moneys belonging to said corporation, and pay over the same in the manner directed by said trustees; to account for such moneys to the inhabitants of said village at their annual meetings, and to the said trustees when thereunto required by them.

*Assessors.*

§ 21. Whenever the taxable inhabitants of said village shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall, within such time as the

trustees shall have directed, make out a tax list thereof, in which they shall set down the names of all the taxable inhabitants of said village, and the names, so far as they can be ascertained, of non-residents who shall own real estate, situate therein; the quantity of the real estate, and the value of the real and personal taxable property of the inhabitants of said village, and the description, quantity and value of the taxable real estate situate therein belonging to such non-residents, and they shall apportion the sum or sums to be raised by such tax on such inhabitants and non-residents, in proportion to the valuation of such property.

§ 22. Whenever the inhabitants of any such district as is herein before mentioned, shall have directed the raising by tax of any sum or sums in such district, for any of the purposes mentioned in the preceding seventeenth section of this act, the said assessors shall, within such time as said trustees shall have directed, make out a tax list thereof in the manner mentioned in the last preceding section, and shall apportion such sum or sums on the taxable inhabitants of such district, and the owners of real estate situate therein, though such owners reside any where without such district, in proportion to the relative advantages to be derived by them from the object for which such tax is to be raised. Tax lists.

§ 23. Whenever the said assessors shall have completed a tax list for any purpose whatever, they shall deliver the same to the president of the said corporation, or in case of his absence, to the clerk of said village: such president or clerk shall thereupon, forthwith give public notice, by written or printed notices, to be put up at four or more public places in said village, of the completion of such tax list by the said assessors; and shall specify in such notice the time and place at which the said trustees will meet to hear appeals from the doings of the assessors. The time of such meeting shall not be less than ten days from the time of putting up such notices. All persons to be affected by such tax shall have the privilege, at all reasonable times at or previous to such meeting of the trustees, to examine such tax list, and to appeal therefrom to said trustees, at the time and place mentioned in such notice, and at such other times and places as they shall appoint therefor; the said trustees shall meet, and on receiving any such appeal, shall have power to alter and correct such tax list, as they shall deem just and equitable. To be delivered to the president.

§ 24. Whenever such tax list shall be finally completed, the said trustees shall forthwith cause a copy thereof to be delivered to the treasurer of said village, and another copy thereof, with their warrant thereto annexed for the collection of the taxes therein mentioned, to the collector of said village. Collector.

To give security.

§ 25. It shall be the duty of the said collector to give such security for the faithful performance of the duties of his office as shall be required of him by the said trustees: upon receiving any tax list and warrant, he shall collect and pay over to the treasurer of said village, the taxes mentioned in such list, retaining his fees for collection; within the time specified in such warrant therefor, or within such further time as shall be allowed therefor by the said trustees. In the collection of taxes the collector of said village shall have the like authority, and proceed in the same manner, as collectors of taxes in towns.

Privileges of freemen.

§ 26. Every inhabitant of said village belonging to any fire company, or hook and ladder company therein, shall be exempt from serving on juries and from doing military duty, except in case of war, invasion or insurrection. The evidence of the right to such exemptions shall be a certificate signed by the president or clerk, and dated within two months previous to the time when such duty or service might otherwise be required.

Fines and forfeitures.

§ 27. Any fines, penalties and forfeitures incurred for any offence against any of the by-laws of said village, or against any of the provisions of this act, shall be sued for and recovered by the said trustees in an action of debt, in the name of said corporation, before any justice of the peace or court having jurisdiction thereof, in which action it shall be sufficient to declare and plead generally, and under such declaration and pleadings to give the special matter in evidence. No inhabitant of said village shall, for that cause, be disqualified from being a justice, juror, witness or constable in any such action. Such fines, penalties and forfeitures, when collected, shall, within ten days thereafter, be paid to the treasurer of said village for the use thereof.

Rights reserved.

§ 28. The legislature may at any time alter, amend or repeal this act.

## CHAP. 218.

*AN ACT to incorporate the President, Directors and Company of the Leather Manufacturers' Bank.*

Passed April 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Name.

§ 1. There shall be established in the city of New-York, a bank, to be called "The Leather Manufacturers' Bank,"



whose operations of discount and deposit shall be carried on in the city of New-York, and not elsewhere.

§ 2. All persons who shall become holders of the capital stock of the said bank pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of "The President, Directors and Company of the Leather Manufacturers' Bank," and such corporation shall continue until the first day of June, one thousand eight hundred and sixty-two. Corporation created.

§ 3. The said corporation shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business. Banking powers.

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be, Real estate;

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business:

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due:

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: and

4. Such as shall have been purchased at sales or acquired by redemption upon judgments, decrees, or mortgages obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation. Restriction.

§ 6. The capital stock of the said corporation shall be six hundred thousand dollars, to be divided into twelve thousand shares of fifty dollars each; and Gideon Lee, Austin Melvin, Ogden E. Edwards, Morgan L. Smith, James Meinell, Lindley M. Hoffman, Edward K. Prichett, are hereby appointed commissioners to receive subscriptions to the said capital stock. Stock.

§ 7. The commissioners, or a majority of them, shall open a subscription book for the said stock, on such day and at such place in the city of New-York, as they shall appoint; and give at least fourteen days' notice of such time and place, in one or more of the newspapers printed in that city. Subscription book.

To be kept  
open three  
days.

§ 8. The book for subscription shall be kept open for at least three days, and the sum of one dollar on each share subscribed for, shall be paid to the commissioners at the time of making such subscription.

Further sub-  
scriptions.

§ 9. If the whole of the capital stock be not taken up during the said three days, the commissioners may receive further subscriptions on such other day, and at such place in said city, as they, or a majority of them, shall, from time to time, appoint, until the whole capital stock of the said corporation shall be taken up.

Distribution  
of stock.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of such stock within the time above prescribed, it shall be the duty of the said commissioners to apportion the same, among the subscribers thereto, in such manner as a majority of the commissioners shall deem most advantageous to the interest of the institution; but no person, who shall have subscribed for twenty shares or upwards, shall, upon such distribution, receive less than twenty shares, unless the subscription for the said last mentioned, or a less number of shares, shall exceed the whole amount of the capital stock: nor shall there be allowed to any one of the commissioners, directly or indirectly, or to any one in trust for him, more than four hundred shares of said stock, if without such allowance the whole of the stock be taken up; and if at the expiration of the third day on which the subscription books shall have been kept open, the whole amount of the capital stock shall not have been subscribed, then the commissioners may subscribe for the remaining shares.

Restriction.

§ 11. No corporation having banking powers under the authority of this state or of the United States, shall be permitted or authorised, directly or indirectly, to subscribe for any part of the capital stock of the said corporation, nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund.

§ 12. The stock, property, affairs and concerns of the said Directors. corporation shall be conducted by thirteen directors, being stockholders of the said corporation and citizens of this state; but no person shall be a director who shall not, at the time of his appointment, hold, on his own account and not in trust in any manner whatsoever for any other person, at least twenty shares of the stock of the said corporation.

§ 13. The first election to be held under this act for the first election purpose of choosing the directors, shall be held at such time and place in the city of New-York, as shall be designated by the commissioners herein appointed; and the said commissioners are hereby appointed inspectors of such election; and a notice of the time and place of holding the same shall be published in one or more of the newspapers printed in said city, at least fourteen days previous to such election.

§ 14. The directors for every subsequent year shall be elect- Subsequent elections. ed on the first Monday of June in each year, at such time of the day, and at such place in the city of New-York, as a majority of the directors for the time being shall, by resolution to be entered on their minutes, appoint; and shall hold their offices one year, and until others are appointed in their places; and notice of the time and place of every such election shall be published, as provided in the next preceding section.

§ 15. Each stockholder at the time of the first election of Votes. directors, shall be entitled to one vote on each share of stock which he shall have held in his own name, at least fourteen days previous to the time of voting; at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law; but no person shall be entitled to more than two thousand votes at any such election.

§ 16. All elections for directors shall be by ballot, and the Elections how conducted. thirteen persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons have an equal number of votes, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes, to determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number.

§ 17. If any director shall remove out of the state or cease Vacancies. to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person as the remainder of the directors for the time being, shall appoint.

§ 18. The directors, as soon as may be after their number President. shall be complete, shall proceed to elect, by ballot, one of their number to be their president.

Banking  
when to com-  
mence.

§ 19. The said corporation shall not commence the business of banking until the whole of the capital stock of the corporation shall have been paid to the said corporation in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has to the knowledge of such officers been made to enable any stockholder to pay up the amount of his shares or any part thereof, under any implied or express agreement that such loan was to be repaid by a discount of any note or other security by said corporation: and any person guilty of wilful false swearing in any such oath, shall be subject to the pains and penalties of perjury.

Calls on  
stockholders.

§ 20. The directors for the time being shall have power to require the stockholders respectively to make payment of all sums of money by them subscribed, at such times and in such portions as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

Notice there-  
of.

§ 21. The directors shall give notice of every such call, by publishing a notice thereof in two or more of the newspapers printed in the city of New-York, for three weeks successively; which notice so published shall be a sufficient call on each stockholder to authorise, in case of default in payment, the forfeiture above provided.

Bills, notes,  
&c. assigna-  
ble.

§ 22. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation; and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt issued under the seal of such corporation, assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name.

Dividends.

§ 23. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they shall deem advisable.

Transfers.

§ 24. No transfer of any stock in the said corporation shall be valid, until such transfer shall have been registered in a book to be kept by the officers of such corporation for that purpose; which books shall at all reasonable times during the hours of transacting business, be open to the examination of any person having in his possession any note, bill or other evidence of debt, issued by such corporation, the payment of which shall have been refused.

Penalty.

§ 25. In case any officer of such corporation having charge of such books, shall refuse to permit the same to be examined

as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

§ 26. If at any time the president, directors and company of the said corporation shall neglect or refuse, for ten days after demand at their banking house, during the regular hours of business, to redeem in specie any evidence of debt issued by the said corporation, the said president, directors and company shall discontinue and close, until they resume payment as aforesaid, all their operations and business, except the securing and collecting of debts due or to become due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the next section following.

In case of neglect or refusal to redeem notes.

§ 27. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor, or a vice-chancellor, by petition, accompanied by a full disclosure of the state and affairs of the corporation, for leave to proceed in its business; and if such chancellor or vice-chancellor, after due examination, shall find that the proceedings of said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Application to chancellor.

§ 28. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

Damages.

§ 29. It shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the Leather Manufacturers' Bank; and it shall not be lawful for the said corporation to redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

Restriction.

§ 30. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, so far only as the same are not repealed or qualified by the act mentioned in the next section.

General powers.

§ 31. The said corporation shall be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829.

Subject to act of 1829.

Loans.

§ 32. The said corporation shall not take a hypothecation of its own stock as security for the making of any loan or discount.

Rights reserved.

§ 3. The legislature may at any time, alter, modify or repeal this act.

## CHAP. 219.

### AN ACT to incorporate the Redford Glass Company.

Passed April 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation created.

§ 1. Gurdon Corning, Gershom Cook, John S. Foster and Charles W. Corning, and their future associates and successors, are hereby created a body corporate and politic, in fact and in name, by the name of the "Redford Glass Company," for the purpose of manufacturing window and other glass ware in its various forms, in the county of Clinton, within this state.

Capital stock

§ 2. The capital stock of the said company shall be thirty thousand dollars, and shall be divided into three hundred shares of one hundred dollars each.

Real estate.

§ 3. The company hereby incorporated shall be capable of purchasing, holding and conveying such lands, tenements and hereditaments as may be necessary to carry all the objects of said corporation into full force and effect.

Subscription to stock.

§ 4. The subscription to the said stock shall be opened under the direction of Gershom Cook, John S. Foster and Heman Cady, or any two of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such day and at such place as they shall appoint, and that the sum of twenty-five dollars on each share shall be paid to said commissioners on such subscription as they shall receive as aforesaid; and it shall be the duty of the said commissioners, or the directors for the time being, to call for and demand of the stockholders respectively, all such further sums by them subscribed, at such times and in such proportions as they shall see fit, under penalty of forfeiture of their shares, and all previous payments made thereon, to the said company.

When to commence business.

§ 5. It shall be lawful for the said corporation, when and so soon as twenty thousand dollars of said capital stock as have been subscribed for and paid in, to commence their said business, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital,

which they are authorised to do from time to time, to the amount herein before mentioned.

§ 6. The stock, property and concerns of the said company <sup>Directors.</sup> shall be managed and conducted by five directors, any three of whom may be a quorum to transact business, one of whom to be president, who may respectively hold their offices for one year, and until others are chosen, and no longer; and the said board of directors shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day at such place as shall be designated by the said commissioners herein before named; and the said commissioners are hereby appointed inspectors of said election; and the said board then chosen shall hold their offices until the second Monday in January succeeding their election, and until others are chosen in their stead; and the said directors, after the said term shall have expired, shall be chosen annually on the second Monday in January in each year, and at such place as a majority of the directors may prescribe; twenty days' notice in writing shall be sent to the stockholders of any election, by the superintendent or agent of said company; and every election shall be holden under the inspection of the directors for the time being, or any two of them, and shall be made by ballot; a plurality of votes shall constitute a choice, allowing one vote for every share, and stockholders not present may vote by proxy.

§ 7. In case it shall at any time happen that an election of <sup>Election.</sup> directors should not be made on any day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the rules and ordinances of the said corporation.

§ 8. The stock of said corporation shall be assignable and <sup>Transferable.</sup> transferable, according to such rules and regulations as the board of directors may make and establish; and no stockholder indebted to said company shall be permitted to make a transfer or receive a dividend, until such debt be paid, to the satisfaction of the directors.

§ 9. The directors for the time being shall have power <sup>Superintendent.</sup> and authority to appoint a superintendent, to act in their behalf for said corporation; and all contracts and agreements entered into for and on account of said corporation, and signed by said superintendent, shall be binding on said corporation, in like manner as if made and entered into by said directors.

§ 10. The directors, or their superintendent, shall at all <sup>Accounts.</sup> times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the

transactions of the said corporation, which books shall be subject at all times to the inspection of the stockholders.

Duration of  
act.

§ 11. The duration of the corporation created by this act shall be twenty-one years.

General  
powers.

§ 12. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Rights  
reserved.

§ 13. The legislature may at any time hereafter alter, modify or repeal this act.

## CHAP. 220.

*AN ACT to confirm the Appraisement of Damages on the Malden Turnpike Road.*

Passed April 23, 1832.

*The People of the State of New-York; represented in Senate and Assembly, do enact as follows :*

§ 1. The alteration in the route, and the appraisement of damages on the Malden turnpike road, as made by the commissioners appointed for that purpose, also the acts of the commissioners in laying out and appraising damages on the same, when known as the "Bristol turnpike company," are hereby ratified and confirmed, and rendered as valid as they would have been in case their appointment had been made in manner directed in the act passed March 28th, 1817. Nothing in this act contained shall affect the rights of any parties where suits have been commenced, or the rights of any person who has not received the amount appraised to him as damages.

§ 2. This act shall take effect immediately after the passage thereof.

## CHAP. 221.

*AN ACT for the relief of the Heirs of David Barnes.*

Passed April 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The treasurer shall pay, on the warrant of the comptroller, to the heirs of David Barnes, a revolutionary soldier, the sum of eight hundred dollars, in lieu of their claim upon the state for bounty lands, upon their making due proof to the commissioners of the land-office that they are such heirs.



## CHAP. 222.

AN ACT to authorise the formation of Fire Companies.

Passed April 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors and justices for the time being of any town in this state, may appoint in writing any number of the inhabitants of said town, not exceeding twenty, to each fire engine which may be procured for the extinguishment of fires in said towns, which persons thus appointed shall be firemen in said towns, and shall, during their service as such firemen, be exempt from militia duty, except in cases of invasion or insurrection; but no such company shall be formed pursuant to this act in any incorporated city or village.

§ 2. Each fire company thus formed shall choose a captain and clerk thereof, and may establish such by-laws and regulations as may be necessary to enforce the performance by said firemen of their duty, and may impose such penalties, not exceeding five dollars for each offence, as may be necessary for that purpose.

§ 3. Such penalties may be collected by and in the name of the said captains in any court having cognizance thereof, and when collected, shall be expended by said companies for the repair and preservation of their engines and apparatus.

§ 4. All vacancies which may at any time happen in said companies by death, resignation or otherwise, shall from time to time be filled by the supervisors and justices aforesaid.

## CHAP. 223.

AN ACT to amend the act entitled "An Act to provide for the instruction of the indigent Deaf and Dumb within this State," passed April 16, 1822.

Passed April 23, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be the duty of the overseers of the poor in each town to furnish the superintendent of common schools with a list of the deaf and dumb persons in their respective towns, so far as they can ascertain them, with such particulars in relation to the condition of each as shall be prescribed by the said superintendent.

Selections to  
be made by  
superinten-  
dent of com-  
mon schools.

§ 2. From the list thus obtained the superintendent may select, as state pupils, such as are properly embraced within the provisions of the existing laws, and make such regulations and give such directions to parents and guardians in relation to the admission of pupils, at stated periods, as will remove the inconvenience of having pupils of the same class entering the school at different periods.

Notice.

§ 3. The notice required by this act to be given to the overseers of the poor, shall be in lieu of the notice required by the third section of the "Act to provide for the instruction of the indigent deaf and dumb within this state," passed April 16, 1822. And whenever vacancies occur in the pupils from a senate district, those vacancies may be filled from the list of that district, kept by the superintendent of common schools, without delay.

## CHAP. 224.

AN ACT to incorporate the New-York and Erie Rail-Road Company.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created

§ 1. Samuel Swartwout, Stephen Whitney, Robert White, Cornelius Harsen, Eleazer Lord, Daniel Le Roy, William C. Redfield, Cornelius I. Blauvelt, Jeremiah H. Pierson, William Townsend, Egbert Jansen, Charles Borland, Abram M. Smith, Alpheus Dimmick, Randall S. Street, John P. Jones, George D. Wickham, Joseph Curtis, John L. Gorham, Joshua Whitney, Christopher Eldridge, James McKinney, James Pumpelly, Charles Pumpelly, John R. Drake, Jonathan Platt, Luther Gere, Francis A. Bloodgood, Jeremiah S. Beebe, Ebenezer Mack, Ansel St. John, Andrew De Witt Bruyn, Stephen Tuttle, Lyman Covell, Robert Covell, John Arnot, John Magee, William M. McCay, William S. Hubbell, William Bouman, Arthur H. Erwin, Henry Brother, Philip Church, Samuel King, Walter Bowne, Morgan Lewis, William Paulding, Peter Lorillard, Isaac Lawrence, Jeromus Johnson, John Stewart, junior, Henry I. Wyckoff, Richard M. Lawrence, Gideon Lee, John P. Stagg, Nathaniel Weed, Hubert Van Wagenen, David Rogers, John Hone, John G. Coster, Goold Hoyt, Peter I. Nevius, Robert Buloid, Thomas R. Ronalds, John Haggerty, Elisha Riggs, Benjamin L. Swan, Grant B. Baldwin, William Maxwell and Darius Bentley, with such other persons as shall associate with them for that purpose, are constituted a body corporate and politic,

by the name of "The New-York and Erie Rail-Road Company," with power to construct a single, double or treble rail-road or way, from the city of New-York to Lake Erie; commencing at the city of New-York, or at such point in its vicinity as shall be most eligible and convenient therefor, and continue said rail-road through the southern tier of counties, by way of Owego, in the county of Tioga, to the shore of lake Erie, at some eligible point between the Cattaraugus creek and the Pennsylvania line; with power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, for the term of fifty years from the passage of this act.

§ 2. If the said corporation hereby created, shall not, within four years from the passage of this act, commence the construction of the said rail-road or way, and spend, within one year thereafter, the sum of two hundred thousand dollars thereon, and shall not, within ten years from the passage of this act, construct, finish and put in operation one-fourth part of the said rail-road or way, and shall not, within fifteen years from the passage of this act, construct, finish and put in operation one-half of the said rail-road or way, and shall not, within twenty years from the passage of this act, complete and put in operation the whole of the said rail-road or way, or in the event of a failure by the company to construct the parts of the said rail-road within either of the times above mentioned, then the rights, privileges and powers of the said corporation under this act, shall be null and void. Time limited.

§ 3. The capital stock of the said company shall be ten millions of dollars: which shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-laws direct. Capital stock.

§ 4. Walter Bowne, Morgan Lewis, William Paulding, Peter Lorillard, Isaac Lawrence, Jeromus Johnson, John Steward, junior, Henry I. Wyckoff, Nathaniel Weed, Hubert Van Wagenen, David Rogers, Samuel Swartwout, John Hone, John G. Coster, Goold Hoyt, Peter I. Nevius, Robert Buloid, Benjamin L. Swan, Thomas A. Ronalds, John Haggerty, Elisha Riggs, Garret Storm, George Curtis, Richard M. Lawrence, Charles Henry Hall, Robert White, Stephen Whitney, Eleazer Lord, John P. Staggs, Saul Alley, Josiah Hedden, Thomas T. Woodruff, Michael Burnham, Gideon Lee and Cornelius Harsen, of New-York; Jeremiah H. Pierson, Cornelius I. Blauvelt, Edward Suffern, John J. Wood and Benjamin Blackledge, of Rockland; Selah Reeve, George D. Wickham, Alexander Thompson, Samuel S. Seward, Stacy Beaks and John Hallock, junior, of Orange; Randall S. Commissioners to receive subscriptions to stock.

Street and John P. Jones, of Sullivan ; John Sudam and John Van Buren, of Ulster ; James G. Elliot, of Greene ; Erastus Root, of Delaware ; Sherman Page, of Otsego ; John C. Clark, of Chenango ; Joshua Whitney, Stephen Weed, Christopher Eldridge and Levi Dimmick, of Broome ; James Pumpelly, Lyman Oovell, William Maxwell, Grant B. Baldwin, Darius Bentley and John Jackson, of Tioga ; John Magee, Ira Davenport, William H. Bull and William S. Hubbell, of Steuben ; Luther Gere, Andrew D. W. Bruyn and Francis A. Bloodgood, of Tompkins ; Philip Church, of Allegany ; Timothy H. Porter and Henry Saxton, of Cattaraugus ; Thomas Campbell, Daniel G. Garnsey, Elial T. Foote, Joseph White, junior, Oliver Lee and Leverett Baker, of Chautauque, shall be commissioners ; the duty of whom it shall be, within the period of six months after the passing of this act, at some suitable place in the city of New-York, and such other place as they may choose to designate, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, in one of the public newspapers in each of the said places ; and any five of the said commissioners shall constitute a board to receive subscriptions ; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, at such time and place as the said commissioners shall appoint, to choose seventeen directors ; and such election shall be then and there made by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy ; each share of the capital stock entitling a stockholder to one vote ; and the said commissioners, or such of them as shall attend for such purpose, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said directors. And the time and place of holding the first meeting of directors shall be fixed by the said commissioners. And the said directors shall have power to appoint an engineer, or engineers, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection of the most advantageous line or lines, for the location of the road : and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they may deem most advantageous for the said rail-road ; one of which certificates shall be filed in the office of the register of the city of New-York, and one in the office of each of the county clerks of the several counties through which the said rail-road or way shall pass ; which line, course or way, so selected and certified, shall be deemed the line, course or way on which the said corporation shall construct, erect, build

or make their single, double or treble rail-road or ways, as hereinafter mentioned; the expenses of all such surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 5. If within three days after opening the subscription books as aforesaid, a sum exceeding ten millions of dollars shall be subscribed, the commissioners, who shall meet for that purpose, shall proceed to apportion the stock among the subscribers, and shall complete the apportionment within sixty days after the opening of said subscription; and any nine of the said commissioners shall constitute a board for the purposes of such distribution, if no more than nine of the said commissioners shall then attend for the purpose of making such distribution; and if the full amount of capital be not subscribed within three days as aforesaid, then it shall be the duty of the commissioners to open the subscription books, from time to time, until the whole amount shall have been subscribed. The commissioners shall receive no subscription, unless five dollars on each share subscribed be paid at the time of subscription.

Apportionment of stock

§ 6. The company hereby incorporated, shall first construct, lay down and complete one line or track of rail-road from the city of New-York, or from some point on the western shore of the Hudson river, in the said southern tier of counties unto lake Erie, and shall convey either passengers or materials thereon, before they shall lay down the rails of any part or portion of the second line or track of the said rail-road.

One line or track to be completed.

§ 7. The said directors to be chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their own number, one president, and one other person to be vice-president; and in case of the death, resignation, or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen; and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president and vice-president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

President.

§ 8. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time within sixty days thereafter.

Election.

Real estate.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single, double or treble rail-road or way, and the accommodations requisite and appertaining thereto : and may also receive, hold and take all such voluntary grants and donations of land and real estate, as shall be made to the said corporation for the purposes aforesaid, to aid in the construction, maintenance and accommodation of the said single, double or treble rail-road or way ; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them ; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the circuit within which such land lies, particularly describing the lands to be appraised, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties ; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation ; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county in which the land described in said petition is situate, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination of payment to the owner, or of depositing to the credit of the owner, in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisalment of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act ; and when the said

order or decree shall be recorded in the office of the clerk of the said vice-chancellor, the said corporation shall be seized and possessed of such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident. Rights of infants, &c.

§ 11. The said corporation is hereby authorised to construct, erect, build, make and use, a single, double or treble rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll houses and other buildings for the accommodation of their concerns, as they may deem suitable to their interest. Road.

§ 12. The said corporation shall not, at any point, connect the said single, double or treble rail-road or ways, with any rail-road, either of the state of Pennsylvania or New-Jersey, or leading into either of the said states, without the consent of the legislature of this state, on pain of forfeiting the powers and privileges conferred by this act. Restriction.

§ 13. Whenever it shall be necessary for the construction of their single, double or treble rail-road or way, to intersect or cross any stream of water or water courses, or any road or highway, it shall be lawful for the said corporation to construct their way or ways across or upon the same; but the corporation shall restore the stream or water courses, or road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Crossing roads and streams.

§ 14. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges by them to be received for transportation of property or persons on the single, double or treble rail-road or ways aforesaid, hereby authorised to be constructed, erected, built, made and used; and to take and receive tolls upon any part of said route, whenever and as fast as sections of ten miles are fully completed. Rates of toll.

§ 15. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction Penalty.

or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

**Calls on  
stockholders.**

§ 16. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of such stock, and of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of New-York, and in each of the counties through which the said road shall pass, and in such other places as the said directors may deem proper to direct.

**May unite  
with rail road  
on the route.**

§ 17. It shall be lawful for the said corporation to unite with any other rail-road company already incorporated upon the route of said road through said southern tier of counties, upon such terms as may be agreed upon by the directors of said companies, in making a continuous rail-road from New-York to Lake Erie; at all times, however, confining the route of said road to said southern tier of counties.

**General  
powers.**

§ 18. This said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of title third of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

**Annual re-  
port.**

§ 19. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

**State may  
purchase  
road.**

§ 20. If the legislature of this state shall at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the re-payment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums at the rate of fourteen per centum per annum, together with all monies expended by said company for repairs or otherwise, for the purposes of said road, after deduct-



ing the amount of tolls received on said road, then the said railroad, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

§ 21. The legislature may at any time hereafter alter, modify or repeal this act. Rights reserved.

## CHAP. 225.

*AN ACT to construe the appraisement of damages on the Saugerties and Woodstock Turnpike Road.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The appraisement of damages on the Saugerties and Woodstock turnpike road, as made and filed in the office of the clerk of the county of Ulster, by the commissioners appointed for that purpose, are hereby ratified and confirmed, and rendered as valid as they would have been in case their appointment had been made in the manner directed by the act passed March 28, 1817. But this act shall not take effect any suit heretofore commenced, founded on the irregularity of said appraisement.

## CHAP. 226.

*AN ACT to incorporate the Dashville Falls Manufacturing Company.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That Daniel B. Dash, Michael Van Beuren, Thomas C. Butler, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name of the Dashville Falls Manufacturing Company, for the purpose of manufacturing cotton and woollen goods and machinery, or either of them separately, and for the purpose of constructing hydraulic works, to apply the waters of the Walkill, at the falls known by the name of Dashville Falls, in the town of New-Paltz, and county of Ulster, to manufacturing purposes in general. Corporation created.

§ 2. The capital stock of the said corporation shall be two hundred thousand dollars, which shall be divided into four

thousand shares, of fifty dollars each ; but it shall be lawful for the said corporation, when and so soon as fifty thousand dollars shall have been subscribed for, to commence their said business, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised, to do, from time to time, to the amount herein before mentioned.

Subscriptions  
to stock.

§ 3. Subscriptions to the capital stock of the said corporation shall be opened under the direction of trustees hereinafter named ; and it shall be the duty of the trustees for the time being, to call for and demand of the stockholders respectively, all sums of money by them subscribed, at such times and in such proportions as they, the said trustees, shall see fit ; and it shall be the duty of the stockholders respectively, to pay such sums of money, at such times and in such proportions, as the trustees shall demand the same, under the penalty of the forfeiture of their shares, and all previous payments made thereon : provided thirty days' notice, in one of the newspapers printed in said county, and in the state paper, shall have been given to the said stockholders, by the said trustees, of such call or demand.

Directors.

§ 4. The stock, property and concerns of the said corporation shall be managed by five trustees, to be chosen annually, on the second Monday of May of each year, at such place as the trustees for the time being shall direct. The first election for trustees shall be on the day ordered by the trustees hereby appointed, giving notice as hereinafter directed. Daniel B. Dash, Michael Van Beuren and Thomas C. Butler shall be trustees from the time this act shall take effect, until others are elected in their stead. Four weeks' previous notice shall be given of every election, and of the time and place of holding the same, by publishing such notice once in each week for four weeks immediately preceding such election, in some paper printed in the county where such company shall carry on their business. The election shall be holden under the inspection of the trustees for the time being, and shall be by plurality of votes of the stockholders voting, (in person or by proxy) at such election, allowing one vote for every share.

Election.

§ 5. In case it shall at any time happen that an election of trustees should not be made on any day, when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of trustees, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation ; or, in case there be no such by-laws and ordinances, then in such manner as the trustees for the time being shall direct.

§ 6. The stock of the said company shall be deemed personal property, and assignable and transferrable upon the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer or receive a dividend, until such debt be paid, to the satisfaction of the trustees. Stock personal property.

§ 7. The corporation hereby created shall continue for twenty years, and no longer. Duration of act.

§ 8. The trustees of the said corporation are authorised to appoint agents, to act on their behalf for the said corporation; and all contracts and agreements entered into for and on account of said corporation, and signed by them, shall be binding upon the said corporation, in like manner as if made and entered into by said trustees. Agents.

§ 9. The said corporation shall possess the general powers, and be subject to the prohibitions and restrictions contained in titles three and four of chapter eighteen of the first part of the Revised Statutes, except so far as the same are modified by this act. General powers.

§ 10. The legislature may at any time hereafter repeal, alter or modify this act.

## CHAP. 227.

*AN ACT to change the place of payment of the Indian Annuities to the St. Regis and Caughnawaga Tribes of Indians, and for other purposes.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The annuities due from the people of this state to the St. Regis and the Caughnawaga tribes of Indians, shall hereafter be paid to them in the town of Fort Covington, in the county of Franklin, and not elsewhere. St. Regis Indians.

§ 2. It shall be the duty of the comptroller of this state to appoint an agent to pay the annuities, in conformity to the first section of this act; and the agent shall be allowed and paid by the comptroller of this state not to exceed two per centum on all such disbursements. Agent to be appointed.

§ 3. It shall be the duty of said agent to portion and pay to each of the heads of families of the St. Regis tribe of Indians, under the direction of the trustees of said tribe, their equal share of said annuities; and said agent shall take the necessary receipts from the legal trustees of said tribes, for the annuities received by said tribes in conformity to this act. His duty.

## CHAP. 228.

**AN ACT** amend an act, entitled "*An Act appointing Commissioners to lay out and establish a Road from the Village of Rochester, in Monroe County, to Lockport, in the County of Niagara,*" passed April 2, 1827.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the road laid out by the commissioners, pursuant to the act hereby amended, which is within the town of Ogden, in the county of Monroe, shall be subject to, and under the control and management of the commissioners of highways of the said town of Ogden, in the same manner, and with the like effect as though the said road had been originally laid out by the said commissioners of highways of the said town of Ogden; but said commissioners shall not alter the general route of said road as now laid out.

## CHAP. 229.

**AN ACT** for the relief David Browne.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. David Browne, of Utica Oneida county, New-York, is hereby vested with all the right, title and interest acquired by this state in the following premises by escheat, and he is hereby authorised to hold and convey the same as though he were a naturalized citizen of this state; said premises are thus bounded: "all that certain piece or parcel of land, situated in the town of Deerfield, and being parts of lots numbers thirteen and fourteen, in Crosby's Manor so called, beginning at a stake and stones, on the lines between lots number fourteen and fifteen, at the southeasterly corner of a lot of land which Thomas Goodsell lately deeded to Harris Northup; thence running westerly, at right angles with the line between lots number fourteen and fifteen, or lots number fourteen and thirteen, as the fence now stands, about one hundred and forty rods to the line between number thirteen and twelve; thence southerly on said line, between said lots number thirteen and number twelve, seventy-five rods; thence easterly, at right angles with the line; thence northerly, on said line

between lots number fourteen and fifteen, seventy-five rods, to the place of beginning, containing sixty-five acres and ten rods, be the same more or less; a public highway running through or across the northeasterly corner of the premises."

## CHAP. 230.

**AN ACT** *authorising the Inhabitants of Oneida Castleton to erect certain Buildings on the Public Square.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The inhabitants of the village of Oneida Castleton are hereby authorised to erect for their use any church, academy, edifice or school-house, on the public square in said village, which the said inhabitants may deem proper.

Church, academy or school house.

§ 2. The said inhabitants may use and occupy the said public square for such purposes as tenants at will, during the pleasure of the legislature.

Use of public square.

§ 3. The public buildings so to be erected shall be so located as not to interfere with the use of the said square as a public parade ground.

Location of buildings.

§ 4. The legislature may at any time alter, modify or repeal this act.

Right to repeal.

## CHAP. 231.

**AN ACT** *declaring a part of Ox Creek a Public Highway.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. That part of Ox creek from its mouth to the bridge on lot number twenty-eight, in the town of Granby, county of Oswego, where the road leading from Lysander to Oswego falls crosses said creek, is hereby declared a public highway; and the owner or owners of the adjoining lands may erect mills and other water-works, store-houses or docks on said stream, so that the same shall not obstruct the navigation thereof.

§ 2. Any person who shall obstruct in any manner whatever the navigation of that part of said creek, which is hereby declared a public highway, shall forfeit the sum of ten dollars, to be

recovered with costs, by any person who shall sue for the same before any justice of the peace; and the person so offending shall also be deemed guilty of a misdemeanor, and be liable to fine and imprisonment, and be prosecuted accordingly by indictment.

## CHAP 232.

*AN ACT to amend the Charter of the Jackson Marine Insurance Company of the City of New-York.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. In addition to the securities on which the capital stock of said company may be loaned, as provided by the twelfth section of the act hereby amended, the directors of said company are hereby authorised to loan a portion of said capital on the stocks of any bank incorporated by this state, or in the stock of the New-York Trust Company, which shall be at or above par value in the market at the time of making such loan; and they may also invest any surplus profits of the said company in the securities aforesaid, and sell and transfer the same, and again invest the money, or any part thereof, in the said securities.

## CHAP. 233.

*AN ACT to incorporate the Auburn and Canal Rail-Road Company.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Bradley Tuttle, Ambrose Cock, Nathaniel Garrow, Ira Hopkins, Isaac S. Miller, John Porter, Abijah Fitch, Stephen Van Anden and John Patty, and such other persons as shall hereafter become stockholders of the said company, are hereby constituted a body corporate and politic, by the name of "The Auburn and Canal Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point in the village of Auburn to the Erie canal, within the county of Cayuga; to take, transport, carry and convey property and persons upon the same by the power and force of steam, of animals, or any mechanical power, or of any

combination of them, for the term of fifty years from the passage of this act.

§ 2. If the corporation hereby created, shall not within three <sup>Time limited</sup> years from the passage of this act, commence, and within five years thereafter construct, finish and put in operation the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be one <sup>Stock.</sup> hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

§ 4. Ambrose Cock, Ira Hopkins, Moses Dixon, Abijah <sup>Subscriptions to stock.</sup> Fitch, John Porter, George B. Chase and James D. Wallace, shall be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the village of Auburn, or in the city of New-York, or in the city of Albany, or in each or all those places, as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days; and within twenty days thereafter, the said commissioners shall meet in the village of Auburn, and if more than one hundred and fifty thousand dollars shall have been subscribed, they shall distribute the said stock among the several subscribers in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Auburn, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

§ 5. Within twenty days after the said commissioners have <sup>Directors to be chosen.</sup> met for the distribution of said stock, they shall give at least fourteen days' notice in one of the newspapers published in the village of Auburn, for a meeting of the stockholders at such time and place in the said village as the said commissioners shall appoint, to choose nine directors, and such election shall be then and there made by such stockholders as shall attend for that purpose either in person or by proxy, each share of the capital stock entitling the stockholders to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of directors shall be fixed by the

said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course of way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

Annual election.

§ 6. The first directors to be chosen shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the village of Auburn, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said village. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote personally or by proxy, on every share held by him, for thirty days previous to such election. And the directors so chosen, shall elect as soon as may be after the said first meeting, and every annual meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

Election.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

By laws.

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers, and services, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation; and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.



§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto, and may also receive, hold and take all such voluntary grants and donations of land for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the seventh circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Cayuga, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services and expenses. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the seventh circuit, the said corporation shall be possessed of all

such land, and may enter upon and take possession, and use the same for the purposes of the said road.

*Rights of infants, &c.*

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

*Tolls, &c.*

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

*Fidelity.*

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt.

*Crossing streams or roads.*

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or way across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

*Calls on stockholders.*

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the village of Auburn.

*General powers.*

§ 15. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

*Annual report.*

§ 16. The directors of said company shall make an annual report in detail of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be

filed in the office of the secretary of state, and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company, for repairs or otherwise, for the purpose of said rail-road.

§ 17. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all monies expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 18. The legislature may at any time alter, amend, modify or repeal this act. Rights reserved.

§ 19. This act shall take effect immediately after its passage. Act to take effect.

## CHAP. 234.

AN ACT for the relief of the Widow and Children of Jean Pierre Blanc, deceased. 3

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. All the estate and interest of the people of this state, in and to any lands situated in the town of Le Ray in the county of Jefferson, and in the town of Fowler in the county of St. Lawrence, of which Jean Pierre Blanc, late of said town of Le Ray, died seised, acquired by the escheat of the same in consequence of the alienage of the said Jean Pierre Blanc, is hereby released to, and vested in such persons, being inhabitants of the United States, as would take the same by descent and in right of dower, if the said Jean Pierre Blanc and the persons hereby authorised to take, had been, and were native citizens of this state. Lands released.

§ 2. The persons taking under this act, take estates of the same nature and extent as they would have taken if they and the said Jean Pierre Blanc had been citizens of this state. This.

Rights of  
others re-  
served.

§ 3. The title of any person, being an inhabitant of the United States, to any lands purchased from the said Jean Pierre Blanc shall not be prejudiced by reason of the alienage of the said Jean Pierre Blanc.

Persons en-  
abled to hold  
and convey.

§ 4. Marie Terme Blanc, Xavier Blanc, Eugene Blanc, Amédée Blanc, Octave Blanc, Anastasie Blanc and Virginie Blanc, are hereby authorised and enabled to take, hold, convey, lease and devise real estate, in the same manner and with the same effect as if they and each of them were native citizens of this state; and any conveyance heretofore made by or to them, or any of them, shall not be prejudiced by reason of the alienage of any of the parties to such conveyance; provided that the parties to such conveyance were, at the time of executing the same, inhabitants of the United States.

## CHAP. 235.

*AN ACT to authorise the Supervisors of Oneida County to defray the expenses incurred under the provisions of the Revised Statutes, relating to Habitual Drunkards.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All expenses heretofore incurred by the overseers of the poor of any town in Oneida county, since the distinction between town and county poor, in said county, was abolished, or which may hereafter be incurred in any town in said county, under the provisions contained in title two, chapter five, part second of the Revised Statutes, so far as the same relate to habitual drunkards, shall be a county charge; and the board of supervisors of said county shall from time to time levy and collect the amount thereof, in the same manner as other contingent charges are levied and collected, and shall cause the several expenses heretofore so incurred and paid by any town to be repaid from the county treasury of said county.

## CHAP. 236.

AN ACT to divide the Town of Connewango, in the County of Cattaraugus.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All that part of the town of Connewango, being township number four in the ninth range of townships in the county of Cattaraugus, shall constitute a new town by the name of Leon, and the first town-meeting for the choice of town officers shall be held therein on the first Tuesday of March next, at the house of Amasa Green. Town of Leon erected.

§ 2. All the remaining part of the town of Connewango shall remain a separate town, by the name of Connewango, and the next town-meeting for the choice of town officers shall be held therein on the first Tuesday of March next, at the house now occupied by Bliss C. Willoughby. Conewango to remain.

§ 3. After the first town-meeting of the town of Leon, the supervisors and overseers of the poor of the said towns of Connewango and Leon shall meet together at the time and place to be appointed by the supervisor of Connewango, due notice whereof shall be given to the said supervisors and overseers of the poor for that purpose, and divide all moneys belonging to the town of Connewango, previous to its division, according to the tax list of the resident inhabitants of said town. Funds, &c. to be divided

§ 4. This act shall not take effect until the first Tuesday of March next. When to take effect

## CHAP. 237.

AN ACT to appoint Commissioners to lay out a Road from Geneseo, Livingston County, to Canandaigua, in Ontario County.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Peter Price, of Rush, in the county of Monroe, Samuel Rawson, of Victor, in the county of Ontario, and William C. Dwight, of Leicester, in the county of Livingston, are hereby appointed commissioners to lay out a public highway commencing near the court-house in the village of Geneseo, Route of road.

thence running easterly and northeasterly along the road leading to Bossley's mills, to the dwelling-house formerly occupied by Harvey Armstrong, in the town of Geneseo; thence northeasterly through the improved lands of Rodman Clark, William Finley and Charles Avery, about three-fourths of a mile, intersecting said last mentioned road near David Sherwood's; thence along said road to the dwelling-house of Bryant Milleman; thence northeasterly across the improved lands of Jacob Heath and Edmund Bossley, about half a mile to the bridge over the Conesus outlet, at Bossley's mills; thence northerly to a road leading east and west along the south line of the town of Avon; thence easterly along the south lines of the towns of Avon, Lima and Bloomfield, and in the same direction to a point in the old road about one and a half mile westerly of the village of Canandaigua; thence along said old road to the last mentioned village, to the end of the first section; if in the opinion of the said commissioners, or a majority of them, such road is required.

Commissioners to take oath.

§ 2. The said commissioners before they enter upon the duties aforesaid, shall take and subscribe an oath before some justice of the peace to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate survey of so much of said road as shall fall within each town on its route, to be filed in the clerk's office of such towns respectively; and where the said road shall be laid through improved land, the damages shall be appraised and paid, and the road opened and improved in the same manner as prescribed in chapter sixteen, title one and article fourth of the first part of the Revised Statutes; and the commissioners and their surveyors shall be allowed each two dollars per day for the time they shall necessarily be employed in the duties aforesaid.

Their pay.

§ 3. It shall be the duty of the board of supervisors of the counties of Livingston and Ontario to audit and allow the accounts of said commissioners and surveyors for the time they shall be employed in their respective counties in laying out said road, and the same shall be levied and collected as part of the contingent expenses of said towns through which said road shall be laid.

Road to be opened.

§ 4. It shall be the duty of the commissioners of highways of the said towns through which said road shall be laid, immediately thereafter, to cause said road to be opened and districted in the same manner as other roads in said towns.

## CHAP. 238.

*AN ACT authorising the Supervisors of the County of Livingston to raise Money to build a Bridge over the Genesee River.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The supervisors of the county of Livingston are hereby authorised and required, at their next annual meeting, to cause to be levied, collected and paid to the treasurer of said county, in the same manner as other contingent charges of said county are by law directed to be levied, collected and paid, the sum of three thousand dollars, together with treasurer's and collector's fees thereon, for the purpose of building a bridge over the Genesee river, between the towns of Leicester and Geneseo, in said county, five hundred dollars of which shall be levied and collected in the towns of Leicester and Geneseo, and the remaining sum of two thousand five hundred dollars in the county of Livingston, including the aforesaid towns of Leicester and Geneseo : which sums of money, when collected and paid to the treasurer of said county, shall be subject to the order of the commissioners hereinafter named for the purposes aforesaid. \$3000 to be raised by tax.

§ 2. Elisha Johnson of Rochester, William D. Barnett of Clarkson, and Peter Price of Rush, of the county of Monroe, are hereby appointed commissioners to determine at what point on the river, between said towns of Leicester and Geneseo, said bridge shall be located, and the decision of said commissioners, or any two of them, shall be final. Said commissioners shall be entitled to receive the sum of two dollars per day for their services, to be paid out of the treasury of said county of Livingston, from the moneys authorised to be raised by virtue of this act. Commissioners to fix location.

§ 3. William Finly, Henry P. North and William C. Dwight, are hereby appointed commissioners to superintend the building of said bridge, with full power to contract for the materials and workmanship of the same, to the extent of the sum hereby granted ; and in case of the death or refusal of said commissioners, or either of them, to serve, it shall be lawful for the first or senior judge of said county of Livingston to appoint a person or persons to fill the vacancy or vacancies. To build bridge.

§ 4. It shall be the duty of the commissioners who are hereby appointed, or may hereafter be appointed to superintend the building of said bridge, before entering upon the du- To give bond

ties of said trust, to execute a bond, with sufficient sureties, to the board of supervisors of said county, in the penal sum of six thousand dollars, conditioned for the faithful performance of their duties under this act.

To account.

§ 5. The said commissioners shall account with the board of supervisors of said county, from time to time, as the said board shall require, for all moneys received or expended by the said commissioners for building said bridge, and the said supervisors shall audit and allow to the said commissioners a reasonable compensation for their services, to be paid out of the moneys authorised to be raised by virtue of this act.

## CHAP. 239.

AN ACT to incorporate the Washington County Insurance Company.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Corporation created.

§ 1. Jonathan Woods, Henry Holmes, junior, Charles Chandler, and their associates, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name of the Washington County Insurance Company.

Stock.

§ 2. The capital stock of said corporation shall be fifty thousand dollars, to be divided into two thousand shares of twenty-five dollars each; and it shall not be lawful for the said corporation to commence any business whatever, until the whole amount of the capital stock shall be subscribed and paid for, or secured by bond and mortgage on real estate within this state, of at least thirty per cent above the value for which the same shall be mortgaged, exclusive of buildings, unless the same shall be insured; or by the public stocks created by this state, or any other state, or by the United States, or an incorporated city or bank of this state, which shall be valued at the time at or above par in the market.

Insurance.

§ 3. The corporation hereby created is so created for the purposes and no other, and shall have power and authority to make contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, of any houses or buildings whatsoever, or of any goods, chattels or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them



for such insurance, and the policies of insurance shall be subscribed by the president, or in his absence by an assistant, if any be appointed, or by a president pro tempore, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in like manner and with like force and effect as if under the seal of the said corporation.

§ 4. The stock, property and concerns of the said corporation shall be managed by thirteen directors, who shall be stockholders, and one of whom shall be president thereof, who shall hold their offices for one year, and until others shall be appointed, and no longer; which directors shall be elected annually, on the third Monday of February, at such time and place in the town of Granville as the directors shall appoint, of which public notice shall be given in two of the newspapers printed in the county of Washington, at least ten days previous to such election; which election shall be by ballot, by a plurality of the stockholders present, allowing one vote for every share; and the stockholders not present may vote by proxy, and the votes to be given shall be by citizens of the United States, and inhabitants of this state. Directors.

§ 5. The books of subscription for the capital stock of said corporation, shall be opened under the inspection of the commissioners for receiving such subscription in the town of Granville, in the county of Washington, at such place and time as they shall appoint, and may be continued from day to day until the whole of the capital stock be subscribed for; and two dollars on each share subscribed, shall be paid to the commissioners at the time of making the subscription; notice of the time of opening the subscription books shall be given in one or more of the newspapers printed in the county of Washington at least one week previous to opening such subscription; and the commissioners shall be Lee T. Rowley, Jacob Holmes, junior, William R. Huggins, Jonathan Todd, Reuben Skinner, John Willard, Arch Bishop Leonard Blanchard, Henry Bull, Foster Todd, Calvin Townson, Daniel Stevenson and Peter J. H. Myers. Subscription to stock.

§ 6. The first election for directors shall be held as soon may be after the whole of the stock shall have been subscribed for, under the inspection of the commissioners, whose duty it shall be to give due notice of the time and place of such election in one or more of the newspapers printed in the county of Washington, at least ten days previous thereto, and immediately after such election to give to the stockholders present a certificate of the names of the persons elected, and to hand over to the directors the subscription books of said corporation, and all money belonging, and papers relating to the same. First election

§ 7. It shall not be lawful for the said corporation to commence any business under this act, until the president and secretary When to commence.

shall have made a deposition in writing before some officer authorised to take affidavits to be read in the supreme court, and deposit the same in the clerk's office in the county of Washington, which shall state that the capital stock of said corporation has been paid in, or secured to be paid, according to the provisions of this act; and every person guilty of wilful false swearing in the premises, shall be subject to all the pains and penalties of perjury.

Surplus profits how invested.

§ 8. It shall be lawful for the said corporation to purchase and hold any of the stocks or funded debt, designated by the second section of this act, for the purpose of investing their surplus profits, or any part thereof, and also to sell and transfer the same, and again invest the same, or any part thereof, in such stock or funded debt whenever and as often as the exigencies of the said corporation, or a due regard to the interests of the said corporation shall require.

Office.

§ 9. The office for the transaction of the business of the said corporation, shall be in the town of Granville, in the county of Washington, and not elsewhere.

General powers.

§ 10. The corporation created by this act, shall be subject to the operation of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Rights reserved.

§ 14. The legislature may at any time hereafter, alter, modify or repeal this act or any of its provisions.

## CHAP. 240.

*AN ACT authorising the removal of certain Records from the Clerk's Office in Ulster County to the Clerk's Office of the Counties of Sullivan, Delaware and Greene.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Maps, &c. may be copied.

§ 1. All maps, field-books, surveys and other papers relating to lands in the counties of Sullivan, Delaware and Greene, which are now deposited or filed as records in the office of the clerk of the county of Ulster, may, at the expense of the counties of Sullivan, Delaware and Greene, be copied by the clerks of either of said counties, or some person deputed by them for that purpose; and when so copied and duly authenticated by the clerk of Ulster county, as such records are required to be by the Revised Statutes, in order to make them legal evidence, and filed in the office of the clerk of the county of Sullivan, Delaware or Greene, shall be regarded as records of such of-

fice; and copies thereof authenticated by the clerks of the said counties respectively, pursuant to the Revised Statutes in such cases, shall be, in all courts and places, as valid and sufficient testimony of the contents of said original maps, field-books, surveys and other papers, as the originals filed in the office of the clerk of Ulster county might or could be if produced.

§ 2. The clerk of the county of Ulster is hereby required to permit the clerks of the county of Sullivan, Delaware or Greene, or any person authorised by them, to take and make such copies as above provided, and to authenticate the same in due form, charging no other or greater fees than are allowed for authenticating the same, without including any charge for copying the same. Duty of clerk of Ulster county.

§ 3. The board of supervisors of the county of Sullivan, Delaware or Greene, may direct the clerks of said counties, respectively, to procure to be made the said copies, and the expenses incidental thereto shall be collected and paid as other county charges are collected and paid. Expenses how to be paid.

## CHAP. 241.

### AN ACT to incorporate the Tonawanda Rail-Road Company.

Passed April 24, 1852.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. David E. Evans, Ethan B. Allen, James Brisban, Gaius B. Rich, Heman J. Redfield, Jacob Le Roy, Willard H. Smith, Jonathan Child, Jesse Hawley, Abraham M. Schermerhorn, Frederick Whittlesey, and such other persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be, and for the term of fifty years from the passage of this act, shall continue to be a body corporate and politic, by the name of "The Tonawanda Rail-Road Company." Corporation created.

§ 2. The said corporation shall have the right to construct, and during its existence, to maintain and continue a rail-road with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point within the village of Rochester, in the county of Monroe, and extending on the most direct and eligible route through the valley of the Tonawanda to Attica, in the county of Genesee. Route of road

§ 3. The capital stock of the said corporation shall be five hundred thousand dollars, and it shall deemed personal pro- Stock.

perty, and shall be divided into shares of one hundred dollars each.

Subscriptions  
to stock.

§ 4. David E. Evans, Ethan B. Allen, James Brisban, Gaius B. Rich, Heman J. Redfield, Jacob Le Roy, Willard H. Smith, Jonathan Child, Jesse Hawley, Abraham M. Schermerhorn and Frederick Whittlesey, shall be commissioners for receiving subscriptions to the capital stock of the corporation, and for apportioning the same among the subscribers, agreeably to the provisions of this act.

Notice there-  
of.

§ 5. It shall be the duty of the commissioners, within six months after the passage of this act, to give notice once in each week, for three successive weeks, in a newspaper printed and published in each of the counties of Monroe and Genesee, of the time when the books will be opened, at some convenient place in each of the villages of Rochester and Batavia, for receiving subscriptions to the capital stock of the said corporation.

Books.

§ 6. One or more of the said commissioners shall attend at the time and at the places appointed by the said notice for the opening of the said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto, in conformity with the provisions of this act.

First instal-  
ment.

§ 7. Each subscriber at the time he subscribes, shall pay to the commissioners five dollars on each share of the stock subscribed by him.

Apportion-  
ment.

§ 8. If, at the expiration of the time mentioned in the sixth section of this act, it shall appear that more than the requisite number of shares has been subscribed, it shall be the duty of the commissioners forthwith to apportion the shares among the subscribers in proportion to the number of shares by them respectively subscribed, and to issue certificates to each subscriber stating the number of shares which have been apportioned to him.

Additional  
subscriptions.

§ 9. In case the capital stock shall not be fully taken up during the time specified in the preceding sixth section, it shall be the duty of the commissioners, from time to time, to take such further measures as they may deem necessary, in order to fill up the subscription for the stock.

Directors.

§ 10. The concerns of the corporation shall be managed by a board of thirteen directors, to be chosen annually by and from among the stockholders.

Meeting of  
stockholders.

§ 11. As soon as may be after the stock has been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published once

in each week for three successive weeks prior to the time therein appointed for such election, in a newspaper printed and published in each of the counties of Monroe and Genesee.

§ 12. At the time and place appointed for that purpose, the <sup>Election</sup> commissioners, or some of them, shall attend, and the stockholders present, or their proxies duly appointed in writing, shall proceed to elect by ballot the requisite number of directors; the commissioners present shall preside at the election, and shall certify the result under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named; all future elections shall be conducted in the manner prescribed in the by-laws of the corporation.

§ 13. Each stockholder shall be allowed as many votes as <sup>Votes.</sup> he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first, for any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

§ 14. The directors shall hold their offices for one year fol- <sup>President.</sup> lowing their election, and until others are elected in their places; they shall appoint one of their number as president, and some suitable person a secretary of the corporation; they may also appoint such other officers as the interests of the corporation may require, who shall hold their offices at the pleasure of the directors.

§ 15. In addition to the general powers given by the Re- <sup>Rates of toll &c.</sup> vised Statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said rail-road shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon; it shall have power also, by its officers, agents and servants, to enter upon any of the lands lying within the contemplated range of the said rail-road, for the purpose of examining, surveying and establishing its lines.

§ 16. In case the corporation shall not be able to acquire <sup>Lands.</sup> the title to the lands through which the said rail-road shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections.

§ 17. The directors may present a petition to the vice- <sup>Petition to vice-chancellor.</sup> chancellor of the eighth circuit, setting forth by some proper description the lands which are wanted for the construction of

the said rail-road, or the appendages thereto, and the names of the owners thereof if known; distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain by reason of the appropriation thereof by the said corporation to its own use.

Hearing.

§ 18. On the presentment of such petition, the said vice-chancellor shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing; and in case it shall appear that any of the owners of the said lands is a feme covert, an infant, or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf.

Appraisers.

§ 19. At the time appointed for such hearing, the said vice-chancellor shall appoint three disinterested freeholders, residents of the county of Monroe, or of the county of Genesee, for the purpose of assessing such damages: and in the order for their appointment shall direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

Their duty.

§ 20. The said appraisers, after being sworn before some officer authorized to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such rail-road or its appendages; and in assessing such damages the appraisers shall take into the account the benefit which will accrue to such owner by means of the passage of the said rail-road through his lands.

To report.

§ 21. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with all necessary certainty; the names of the owners of the respective parcels if known, and if not known, stating that fact; and specifying also the damages which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid; and in case either of the parties are dissatisfied with the assessment, the said vice-chancellor may, on the hearing of parties in interest, modify the assessment as shall appear to be just.

Land when to be used.

§ 22. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled

by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in the bank of Rochester, the said corporation shall immediately become entitled to the use of the said lands for the purposes aforesaid; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effect as deeds are recorded, without any other proof than the certificate of the said vice-chancellor, that the report is genuine.

§ 23. The corporation shall be bound to repair all public Repairs. highways, bridges and water courses, which may be injured in constructing the said rail-road or its appendages, and shall restore them, as far as practicable, to as good a condition as they were in before they became injured.

§ 24. The said corporation may establish such by-laws not By-laws. inconsistent with the laws of the state, respecting the calling in of the capital stock, and prescribing the duties of its officers and servants, and for the regulation of its affairs, as may be deemed expedient.

§ 25. The said corporation shall be allowed three years Time limited. from the passage of this act, for the commencement of the construction of the said rail-road; and in case the same shall not be completed within five years thereafter, the privileges herein granted shall be forfeited.

§ 26. Every person who shall wilfully injure the said rail- Penalty. road or any of its appendages, shall be deemed guilty of a misdemeanor, and forfeit to the use of the said corporation a sum equal to three times the amount of damages occasioned by such injury, to be recovered with costs of suit, in the name of such corporation, in an action of debt, before any court having cognizance thereof.

§ 27. The directors of the said corporation for the time being shall, at the end of every year after the construction of the said rail-road shall have been commenced, and for the term of fifteen years after the same shall have been completed, cause to be filed in the office of the secretary of state, a detailed account of all the moneys expended during the year in constructing the said rail-road and its appendages, and in superintending and keeping the same in repair; and a similar account of the income derived by tolls or otherwise, from the use of the said rail-road, to the end that a just estimate may be made of the profits received by the said corporation therefrom: such accounts shall be verified by the oaths of at least two of the directors or other officers of the said corporation. Account of expenses.

§ 28. If the legislature of this state shall, at the expiration State may purchase road. of ten and within fifteen years from the completion of said

rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures; for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

General  
powers.

§ 29. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Rights re-  
served.

§ 30. The legislature may at any time alter, modify or repeal this act.

## CHAP. 242.

### AN ACT relative to the City of Albany.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Appraisers to  
assess dama-  
ges.

§ 1. Whenever the mayor, aldermen and commonalty of the city of Albany, in common council convened, shall alter the pitch or level of any street in said city, to the damage of any person being an owner of any house or lot in such street, it shall be lawful, and is hereby made the duty of said mayor, aldermen and commonalty to appoint three disinterested freeholders, inhabitants of said city, whose duty it shall be, under oath, to inquire into and assess the damages and recompense which any owner or owners of any lot shall sustain by the alteration of an established level and pitch of such street, and then to apportion and assess such damages and recompense, together with the costs of the proceeding, upon the owner or owners of all the houses and lots of ground which are intended to be benefitted by such alteration of the pitch or level of such street; such assessment and apportionment to be made out in writing and returned to the said common council within thirty days from the time of the apportionment of such assessors.

Assessment  
to be returned

§ 2. When said assessment and apportionment shall have been made out, it shall be returned to the said mayor, aldermen and commonalty, and notice thereof shall be given in one or more public newspapers of said city for thirty days, and if



no cause be shewn against the confirmation of the same within the time last aforesaid, the same shall, when approved by the said mayor, aldermen and commonalty, be filed in the office of the clerk of the said common council, and shall be binding and conclusive upon the owner or owners, occupant or occupants of the houses or lots mentioned in said assessment and apportionment; and said assessment and apportionment shall be and remain a lien upon the house or houses, lot or lots mentioned therein, from the time of such confirmation by the said mayor, aldermen and commonalty, until the same shall be paid or satisfied.

§ 3. In case the assessment and apportionment so made as aforesaid, shall not be accepted and confirmed by the said mayor, aldermen and commonalty, they shall have power, and are hereby authorised to appoint other assessors, whose duty shall be, in the same manner as above stated, to make out another assessment and apportionment, and return the same to said common council, who shall proceed thereon in the manner above prescribed.

§ 4. The owner or owners of any lot, to whom shall be awarded any sum of money for the damage sustained in consequence of the alteration of the pitch or level of any street as aforesaid, shall prove his, her or their interest in the premises so injured, before the mayor's court of said city, and on the production of the certificate of the clerk of said court to the chamberlain of said city, shewing the extent of the said interest in the sum awarded, the said chamberlain shall pay such sum to such person, his, her or their attorney; and in case any such sum or sums shall be paid through mistake to any person or persons not legally entitled thereto, it shall be lawful for the person or persons legally entitled thereto to sue for and recover the same, with interest and costs of suit, from the persons who shall have received such sum or sums, in an action for money had and received to his use.

§ 5. In all cases where the said assessment and apportionment, or any part thereof, so made as aforesaid, shall remain unpaid for the space of thirty days after the time of confirmation aforesaid, it shall be lawful for the said mayor, aldermen and commonalty to proceed and enforce the collection, by advertisement and sale of the premises charged by such assessment and apportionment, in the same manner, in all respects, as provided by law for the collection of assessments and apportionments for the opening streets in said city.

§ 6. From and after the passage of this act, petit jurors called to attend on the trial of criminals before the mayor's court of the city of Albany, shall be paid the like fees, and in the like manner as is provided in and by the act entitled "An act for equalizing and allowing compensation to petit jurors."

attending certain courts in the county of Albany," passed the 16th April, 1825: *Provided however*, That no such allowance to the jurors shall be made for their attendance, before Friday in the first week of any term.

## CHAP. 243.

AN ACT to authorise the Superintendent of the Onondaga Salt Springs to lease lots, and for other purposes.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Terms of  
lease.

§ 1. It shall be the duty of the superintendent of the Onondaga salt springs, if any individual or company shall wish to engage in the manufacture of salt, and shall have erected on any lot or part of a lot, as he may deem suitable for that purpose, laid out according to the provisions of the act entitled "An act regulating the manufacturing of salt in the town of Salina," passed April 21st, 1825; or according to the provisions of the act entitled "An act to amend the several acts in relation to the salt springs in the county of Onondaga," passed April 23d, 1823, or according to any acts previous thereto, a suitable and convenient salt manufactory, to lease such lot to him or them, on the same terms and conditions as are imposed in the leases given in pursuance of the act entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes," passed April 27, 1829, and to expire at the same time with those leases.

At Liverpool

§ 2. Whenever any owner or owners of real estate bordering on the Oswego canal, and adjoining the salt manufacturing lots in the village of Liverpool, shall lay out the same into salt manufacturing lots, of five rods front on said canal, and of sufficient depth for the accommodation of salt manufactories, and shall obtain permission of the superintendent and inspector of the Onondaga salt springs, and shall also enter into a covenant in regard to any such lot, as provided in section ninety-seven, article fourth, chapter ninth, part first of the Revised Statutes, he shall be entitled to erect a manufactory of salt thereon, and to take the necessary supply of salt water, according to the provisions of the existing laws in that respect.

Personal  
property to  
be sold.

§ 3. It shall be the further duty of the said superintendent to sell, for the benefit of the state, the personal property belonging thereto, in the town of Salina, which he and the said

inspector shall deem to be unnecessary to retain for the use of the public works, and for the interest of the state to have sold.

§ 4. It shall be the duty of the said inspector, from and after the first day of May next, to distinguish the salt to be inspected by him, into first and second quality, and to make the addition to the brands of first quality which he is now required by law to use.

Inspector's duty.

§ 5. No salt shall be marked first quality unless the same shall be perfectly white, clean and pure, free from moisture, and from any admixture of dirt, or any foreign substance whatever.

§ 6. If the said salt shall be put up in barrels, it shall not be marked first quality unless the barrels are thoroughly seasoned, stout and well made, with a sufficient number of good strong hoops, to be well nailed and secured, not burned or coloured on the inside, or dirty on the outside, nor without having the holes made for inspection, or the knot holes, if any there should be, well and securely plugged up.

## CHAP. 244.

### AN ACT for the relief of the Stockbridge Indians.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The treasurer, on the warrant of the comptroller, shall pay to the superintendents of the Stockbridge Indians two thousand dollars, to be by them expended in the payment of the debts of said Indians, in finishing the mill by them erecting at the settlement near Green Bay, and for the general benefit of said Indians.

Treasurer to pay Indians \$2,000.

§ 2. The said sum of two thousand dollars, when paid, shall be deducted from the principal sum of the fund secured for the benefit of said Indians under and by virtue of the twenty-fourth and twenty-fifth sections of the act, entitled "An Act relative to the different tribes and nations of Indians within this state," passed April 10, 1813; and the comptroller shall not thereafter be required to pay to the said superintendents annually on account of said fund more than the interest on the amount of the principal of said fund remaining after deducting the said sum of two thousand dollars.

To be deducted from their fund.

§ 3. The comptroller shall not draw his warrant for the said two thousand dollars, until he shall have satisfactory evidence, that it is the wish of the said Indians that the said sum should be so paid, on the terms and from the fund herein before specified.

Warrant when to be drawn.

## CHAP. 245.

*AN ACT authorising Virgil Whitney and Hazard Lewis to maintain a Dam across the Susquehannah River.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be lawful for Virgil Whitney and Hazard Lewis, their heirs and assigns, to maintain a dam across the Susquehannah river at Camp's reef, in the town of Owego, in the county of Tioga, abutting against their own land, not exceeding in height, thirty inches above low water.

§ 2. Such dam shall be so constructed and maintained, with sluices and aprons, as to render the passage over the same in common rafting freshets, safe and easy for boats, arks and rafts, prepared and navigated with ordinary diligence and skill, at all times during the continuance of said dam; and if the judges of the court of common pleas of the counties of Broome and Tioga shall deem it expedient to require a sluice in said dam for the accommodation of the ascending navigation, said Whitney and Lewis shall construct such sluice of such width and at such point and in such manner as said judges may direct.

§ 3. Such dam shall be so constructed as not to injure the lands of any other person, unless the consent of such person be first obtained; and the legislature may at any time alter or repeal this act.

## CHAP. 246.

*AN ACT concerning Costs in certain Suits brought in the name of the People.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The comptroller of this state is hereby directed to draw his warrant on the treasurer of this state for sixty-two dollars and forty-nine cents, in favor of Norman L. Keyes, of Cherry-Valley, Otsego county, and the treasurer is required to pay the same, being the amount of a judgment for costs in favor of the said Norman L. Keyes and Michael Phenes, junior, in the court of common pleas of Otsego county, against the people of

\$62 49 to be  
paid to N. L.  
Keyes.

this state, in a suit brought against the said Norman L. Keyes and the said Michael Phenes, junior, as security for him, by the supervisor of Cherry-Valley, in the name of the people of this state, on a bond given by the said Norman L. Keyes, as a tavern-keeper, and the said Michael as security, under the provisions of the Revised Statutes.

§ 2. The sum so paid shall be charged to the county of Otsego, and the board of supervisors of Otsego county, at their next annual meeting, are hereby required to assess the same upon said county, and to collect and pay the same to the treasurer of this state.

To be charged to the county of Otsego.

§ 3. In all suits which may be commenced after this act takes effect, in the name of the people of this state, where the debt, damages or sum of money in controversy, if recovered, will not belong to the treasury of this state, the cost of prosecuting such suit, or defending where the defendant succeeds in his defence, shall not be a charge against the state treasury; but such costs, if the suit shall be brought for a debt, damages or sum of money, or where the matter in controversy, if recovered, will belong to any particular county, city, town or village, shall be a charge against such county, city, town or village.

Costs in suits brought in the name of the state.

## CHAP. 247.

*AN ACT to incorporate the President and Directors of the Centre Bridge Company, in the Village of Unadilla.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Albert Benton, Horace Griswold, Arnold B. Watson, James Williams and Daniel Cone, and their present and future associates, their assigns and successors, are hereby created a body corporate and politic, by the name of "The President and Directors of the Centre Bridge Company," for the purpose of building a bridge across the Susquehanna river, at or near the southwest corner of James Williams' farm, upon which he now resides, and by their corporate name, they and their successors shall and may have succession, and shall be capable of suing and being sued, of pleading and being impleading in all courts of law and equity, and in all manner of actions, and may have a common seal, and may change and alter the same at pleasure; and they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation; but

Corporation created.

the real estate so to be holden shall be such only as shall be necessary to promote or obtain the objects of this corporation.

Subscription  
to stock.

§ 2. Daniel Cone, John Eells, junior, Christopher D. Fellows, James Williams and Abiel D. Williams are hereby appointed commissioners to perform the following duties: They shall, on or before the first day of May next, procure a book, and enter therein as follows: We, whose names are hereunto subscribed, do, for ourselves and for our legal representatives, promise to pay the president and directors of the Centre Bridge Company, the sum of ten dollars for each and every share of stock in said company set opposite our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company; which book shall be kept open by the said commissioners at the house of James Williams, for the purpose of receiving subscriptions; and so soon as one hundred and fifty shares shall have been subscribed, said commissioners shall cause a written notice to be given to each and every subscriber to the stock, of the time and place of meeting of the stockholders for the purpose of choosing by ballot three directors, who shall be stockholders, to manage the concerns of the company for one year, and until others shall be chosen in their stead; which notice shall be given at least ten days previous to the holding of said meeting; the day for choosing the directors shall forever thereafter be the anniversary day for choosing directors. A majority of said directors shall be a quorum, and capable of transacting the business of the said corporation; and every act of a majority of said directors so met, shall be binding on the said corporation. And the said directors elected by a plurality of votes of the stockholders present, shall, within ten days thereafter, proceed to the choice of one of their number for president; and the said president and directors may meet from time to time at such time and place as they may find expedient to direct, and shall have power to make such by-laws, rules and regulations not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the officers of the said corporation.

Amount to be  
received.

§ 3. The president and directors may continue to receive subscriptions to the stock of the corporation until there shall be three hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the corporation.

Shares.

§ 4. The number of shares or subscriptions constituting the stock or fund of the corporation shall not exceed three hundred shares, and the amount to be paid for each share shall be ten dollars, and each stockholder shall be entitled to a number

of votes equal to the number of shares which he or she may have or hold in his or her name.

§ 5. In case the aforesaid bridge shall not be erected and completed within one year from the passing of this act, this charter shall be void. Time limited

§ 6. It shall and may be lawful for the directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall think fit, under pain of forfeiting their shares, and all previous payments made thereon, to the said president and directors. Calls on stockholders.

§ 7. If any person or persons shall wilfully cause to be done any act whatever, whereby the said bridge, toll-house or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by said company with costs of suit by action of debt, in any court having cognizance thereof. Penalty.

§ 8. The said bridge shall be at least sixteen feet wide, and well covered with planks, not less than three inches thick; the sides of said bridge to be secured with good and substantial railings. Dimensions of bridge.

§ 9. If the said bridge after being completed shall at any time be impassable for the term of one month, then this corporation shall cease and be dissolved; but no such dissolution of the corporation shall take place, if the said bridge shall be carried away by ice, freshets, or any unavoidable accidents, in case the same shall be rebuilt in one year after the same shall be carried away. If destroyed to be rebuilt in one year.

§ 10. So soon as the said bridge shall be completed, and the supervisors of the towns of Unadilla and Sidney, shall, upon inspection, certify under their hands that the bridge is well and sufficiently constructed and built, and will admit of the passage of loaded teams and other carriages, it shall be lawful for the president and directors to erect a gate at either end of said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit: for every coach, phaeton or other pleasure carriage drawn by four horses, thirty-seven and a half cents; drawn by two horses, twenty-five cents; drawn by one horse, twelve and a half cents; for every wagon or cart, other than pleasure carriages, drawn by four horses, mules or oxen, twenty-five cents; drawn by two horses, mules or oxen, twelve and a half cents; drawn by one horse or mule, eight cents; and for every additional horse, mule or ox, four cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents; and for every ad- Rates of toll.

ditional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse or mule, six cents; for every horse and rider, six cents; for every horse, jack or mule, led or driven, three cents; for every foot passenger, two cents; for every score of cattle, twenty cents; for every score of sheep or hogs, twelve and a half cents, and in proportion for a greater or less number; and it shall be lawful for the toll gatherer to stop any person riding, leading or driving any horse, cattle, sheep or hogs, or any sled or carriage, or cart of burthen or pleasure, from passing through the said gate upon the said bridge, until they shall have respectively paid the toll as above specified.

First payment on stock

§ 11. Each subscriber to the stock of this corporation, shall pay the sum of two dollars upon each and every share he may subscribe at the time of making the subscription.

Penalty.

§ 12. If any person shall forcibly pass the said gate to be erected on the said bridge, without having paid the legal toll, such person or persons shall pay a fine not exceeding ten dollars, nor less than two dollars, to be recovered by and in the name of the treasurer of the corporation, to the use of the corporation in an action of trespass.

Public act.

§ 13. This act shall be a public act, and shall be construed favorable for every beneficial purpose therein mentioned.

Rights reserved.

§ 14. The legislature may at any time hereafter amend, alter, or repeal this act.

## CHAP. 248.

*AN ACT altering the Time of electing Representatives in the Twenty-Third Congress of the United States.*

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Election to be held in 1833.

§ 1. Representatives in the house of representatives of the congress of the United States, next to be chosen in this state, shall be chosen in the several congress districts, at the general election held therein in the year one thousand eight hundred and thirty-three, and not in the year one thousand eight hundred and thirty-two, as now provided by law.

In what manner.

§ 2. Representatives to be chosen after the year one thousand eight hundred and thirty-three, shall be chosen at the time and in the manner provided by title six of chapter six of the first part of the Revised Statutes.



§ 3. If the representatives in the congress of the United States shall be apportioned according to the recent census, by any act to be passed during the present session of Congress, then this act shall thenceforth be void and of no effect; and in that case it shall be the duty of the person administering the government of this state, to convene the legislature at such time before the first day of September next, as he shall deem proper.

In case of apportionment by Congress.

## CHAP. 249.

### AN ACT providing for the distribution of the Electoral Law.

Passed April 24, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The secretary of state shall cause to be published the act entitled "An act directing the manner of choosing electors of president and vice-president," passed April 15, 1829, together with such forms as may be necessary to carry the same into effect, and on or before the first day of September next, shall transmit to each county clerk as many copies as shall be equal to ten times the number of towns and wards in his county.

Duty of secretary.

§ 2. Each county clerk receiving such copies, shall immediately thereafter deliver to the town clerk of each town, and to the aldermen of each ward in his county, ten copies, for the use of the inspectors of election of such town or ward.

County clerks.

§ 3. The treasurer shall pay, on the warrant of the comptroller, such sum as the secretary of state shall certify to be just and reasonable, as a compensation to any messenger employed under section six of title fifth of chapter sixth of the first part of the Revised Statutes.

Expense.

## CHAP. 250.

### AN ACT to incorporate the President, Directors and Company of the Essex County Bank.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. There shall be established in the village of Keeseville, Name. county of Essex, a bank, to be called "The Essex County

Bank," whose operations of discount and deposit shall be carried on in the village of Keeseville, and not elsewhere.

Corporation  
created.

§ 2. All persons who shall become holders of the capital stock of the said bank pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of "The President, Directors and Company of the Essex County Bank," and such corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty-two.

Banking  
powers.

§ 3. The said corporation shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins and bills of exchange; by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business.

Real estate

§ 4. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be,

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business: or,

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due: or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings: or,

4. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts.

The said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restriction.

§ 5. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the United States or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

§ 6. The capital stock of the said corporation shall be one hundred thousand dollars, to be divided into four thousand shares of twenty-five dollars each; and Oliver Keese 2d, Martin Pope and Elias A. Hurlburt of Keeseville, Reuben Whallon, William D. Ross of Essex, Essex county, William Burt of Clintonville, and James Duane of Duane, Franklin county, are hereby appointed commissioners to receive subscriptions to the said capital stock.

Subscription  
book.

§ 7. The commissioners, or any two of them, (in case they shall not all attend,) shall open a subscription book for the said stock, at such time and place in the village of Keeseville,

as they shall appoint; and shall give at least fourteen days' previous notice of such time and place, in one or more of the newspapers printed in the counties of Clinton and Franklin, and in the state paper.

§ 8. The books for subscription shall be kept open at least two days, for six hours each day, and the sum of two dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription. Such payment shall be made in specie or in current bank bills, and no draft, check or certificate of deposit shall be received. To be kept open two days.

§ 9. If the whole of the capital stock be not taken up during the said two days, the commissioners may receive further subscriptions on such other day or days, and at such place in the said village of Keeseville, as they, or a majority of them, shall, from time to time, appoint, until the whole capital stock of the corporation shall be taken up; giving public notice thereof, as directed in the seventh section of this act. Further subscriptions.

§ 10. The commissioners shall proceed to distribute the capital stock of the said corporation among the subscribers thereto; in case there should be subscriptions to more than the amount of such stock within the time above prescribed, it shall be the duty of the said commissioners to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interest of the institution: and there shall not be allowed to any one of the subscribers or commissioners, directly or indirectly, or to any one in trust for him, more than one hundred shares of such stock, if without such allowance the whole stock be taken up. Distribution of stock.

§ 11. No corporation having banking powers under the authority of this state or of the United States, shall be permitted or authorised, directly or indirectly, to subscribe for any part of the capital stock of the corporation by this act created, nor to purchase, take or hold any part of such stock, except when the same shall be hypothecated in good faith in security for a debt or loan; and in such case the shares of stock so hypothecated shall be sold within sixty days after such debt shall become due, according to the terms of such hypothecation; and if not so sold, the same shall be forfeited, and shall belong to the fund created by the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829; and the commissioners directed to be appointed by the said act, shall take the necessary measures to appropriate the same accordingly, and shall sell the same as soon as may be, and pay the proceeds to the comptroller for the benefit of the said fund. Restriction.

§ 12. The stock, property, affairs and concerns of the said corporation shall be conducted by nine directors, being stock- Directors.

holders thereof, and citizens of this state; but no person shall be a director who shall not, at the time of his appointment, hold, on his own account and not in trust in any manner whatever for any other person, at least ten shares of the stock of the said corporation.

**First election** § 13. The first election of directors under this act, and of three inspectors of the first annual election thereafter, shall be held at such time and place in the village of Keeseville, as shall be directed by the said commissioners, who, or a majority of whom, are hereby appointed inspectors of such first election; and the persons then elected such directors shall hold their offices until the second Tuesday of June, one thousand eight hundred and thirty-three, and until others are elected; and the said election shall be holden within two months after the capital stock shall have been subscribed.

**Subsequent elections.** § 14. The directors for every subsequent year shall be elected on the second Tuesday of June in every year, at such time of the day, and at such place in the village of Keeseville, as a majority of the directors for the time being, shall, by resolution to be entered in their minutes, appoint; and shall hold their offices one year, and until others are elected in their stead.

**Notice.** § 15. Public notice of every election under this act shall be given by the commissioners or directors, not less than fourteen days previous to the time of holding such election, by an advertisement to be inserted in a newspaper printed in the village of Keeseville, and in a newspaper printed in the county of Clinton, and in the state paper.

**Votes.** § 16. Each stockholder at the time of the first election of directors, shall be entitled to one vote on each share of stock which he shall have held in his own name at least fourteen days previous to the time of voting; at every subsequent election, each stockholder shall be entitled to one vote on each share of stock which he shall have held for the time required by law, except that in case any one person shall hold more than eight hundred shares, (including all others which may be held by any person in trust for him,) no more than eight hundred votes shall be given upon all such shares.

**Elections how to be conducted.** § 17. All elections for directors shall be by ballot, and the nine persons who shall have the greatest number of votes shall be directors; and if at any election two or more persons have an equal number of votes, either for directors or inspectors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be director or directors, or inspector or inspectors, so as to complete the whole number.

§ 18. If any director shall remove out of the state or cease <sup>Vacancies.</sup> to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year in which it shall happen, by such person possessing the qualifications as to ownership of stocks and citizenship above required for a director of this corporation, as the remainder of the directors for the time being, or a majority of them, shall appoint.

§ 19. The directors elected, as soon as may be after their <sup>President.</sup> election, shall proceed in like manner to elect one of their number by ballot, to be their president.

§ 20. The said corporation shall not commence the business of banking until the whole of the capital stock shall have been paid to the said corporation in specie or current bank bills; and an affidavit shall have been made by the president and cashier of said corporation, and filed with the comptroller, setting forth that the said payment has been made, and that no loan has to the knowledge of such officers been made to enable any stockholder to pay up the amount of his shares or any part thereof, under any implied or express agreement that such loan has to be repaid by a discount of any note or other security by such corporation: and any wilful false swearing, in any such oath, shall subject the person guilty thereof to the pains and penalties of perjury. <sup>Banking when to commence.</sup>

§ 21. The directors of the said corporation shall have power, <sup>Officers;</sup> from time to time to appoint so many officers, clerks and servants, for carrying on the business of the corporation, and with such compensation as to them shall seem meet.

§ 22. The directors for the time being shall also have power <sup>By-laws.</sup> to make and prescribe such by-laws, rules and regulations as shall be needful, touching,

1. The government of the said corporation, and the management and disposition of its stock, business, property, estate and effects:

2. The time, manner and terms at and upon which discounts and deposits shall be made and received in and by the same:

3. The duties and conduct of the officers, clerks and servants employed by the said corporation; and,

4. All such matters as may appertain to the concerns of the institution.

§ 23. The directors for the time being shall have power to <sup>Calls on stockholders.</sup> require the stockholders respectively to make payment of all sums of money by them subscribed, at such times and in such proportions as such directors shall see fit, under pain of the forfeiture of the shares upon which such payments are required, and all previous payments thereon, to the said corporation.

Notice there-  
of

§ 24. The directors shall give notice of every such call, by notice to be published at least once a week, for four weeks successively, in a newspaper printed in the village of Keeseville, and in a newspaper printed in the county of Clinton, and in the state paper; which notice so to be published, shall be a sufficient call on each stockholder, to authorize, in case of his default to comply therewith, the forfeiture above provided.

Bills, &c. as-  
signable.

§ 25. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, shall be obligatory on the said corporation, and be assignable and negotiable in like manner as if made or issued by a private person; and every evidence of debt issued under the seal of such corporation and assigned by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name: but every note, bill or evidence of debt purporting to be a bank note, to be issued by the said corporation, shall be deemed and taken to be payable at the banking-house of the said corporation.

Dividends.

§ 26. It shall be the duty of the directors of the said corporation, to make dividends half yearly or otherwise, of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable.

Transfers.

§ 27. No transfer of any stock in the said corporation shall be valid, until such transfer shall have been registered in a book to be kept for that purpose by the directors of such corporation; which book shall at all reasonable times during the usual time of transacting business, be open to the examination of any person having in his possession any note, bill or evidence of debt, issued by such corporation, the payment of which shall have been refused, and of any stockholder of the said corporation.

Penalty.

§ 28. In case any officer of such corporation having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal shall have been made.

In case of re-  
fusal to re-  
deem notes.

§ 29. If at any time the corporation hereby created shall neglect or refuse, for ten days after demand at their banking house, during the regular hours of business, to redeem in specie any evidence of debt issued by the said corporation, the said corporation shall discontinue and close, until it shall resume payment as aforesaid, all its operations and business, excepting the securing and collecting of debts due or to become due to the said corporation, unless they shall be permitted to proceed in their ordinary banking operations under the section next following.

§ 30. The said corporation may, after the payment of its debts shall have been refused, apply to the chancellor by petition, accompanied by a full disclosure of the state and affairs of the said corporation, for leave to proceed in its business; and if the chancellor, after due examination, shall find that the proceedings of the said corporation have been fair and without fraud, and that such corporation is in a condition to resume its operations, he may, by an order to be entered in the minutes of the court of chancery, permit the said corporation so to do.

Application  
to chancellor.

§ 31. The said corporation shall be liable to pay to the holders of every evidence of debt made by it, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of ten per cent per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

Damages.

§ 32. It shall not be lawful for said corporation to redeem the bills, notes or other evidences of debt of any monied institution without the jurisdiction of this state, and which shall be made payable at the said Essex County Bank; and it shall not be lawful for said corporation to give public notice that it will redeem the bills, notes or other evidences of debt of any monied institution beyond the jurisdiction of this state.

Bills of fo-  
reign banks.

§ 33. The said corporation shall possess the general powers of a corporation as defined in the eighteenth chapter of the first part of the Revised Statutes, and shall be subject to the provisions contained in that chapter, except so far as the same have been repealed before the passage of this act, or are modified by the act recited in the following section, or by this act in respect to the corporation created hereby.

General pow-  
ers.

§ 34. The said corporation shall also be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2, 1829, so far as the same shall be in force at the time of passing this act.

Act of April  
2, 1829.

§ 35. It shall not be lawful for the said corporation to take a hypothecation of its own stock as security for the making any loan or discount by such corporation.

Loans.

§ 36. The legislature may at any time modify, alter or repeal this act, or any of its provisions.

Right re-  
served.

## CHAP. 251.

AN ACT *declaring thirty miles of the east end of the Lake Erie Turnpike Road a Public Highway.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Public high  
ways.

§ 1. Thirty miles of the Lake Erie turnpike road, beginning at the east end, in the county of Steuben, and running in the county of Allegany, is hereby declared a public highway, and it shall be the duty of the commissioners of highways in the several towns through which the said road runs, to lay out in districts, and to cause the same to be worked and repaired in the same manner as other public highways are in said towns.

Tolls on resi-  
due.

§ 2. It shall be lawful for the said company to demand and receive tolls for the residue of the said road from the western termination thereof at the village of Angelica, and running ten miles easterly to the part hereby declared to be a public highway, according to the rates of toll established by the act incorporating the said company, upon their sustaining and keeping in repair the said ten miles thereof; and all the rights, powers and privileges of the said corporation shall be, and is hereby declared to extend to that part of the said road, in the same manner as by the said act was extended to the whole thereof, and not otherwise.

Act when to  
take effect.

§ 3. This act shall take effect only on the condition that John M'Gee and Ira Davenport shall and do abandon and release to the said company all their right and title and claim to any part of the residue of the road, and to any stock therein, held or claimed by them, or which they may be entitled to demand or claim from the said corporation; and shall also deliver over to the said corporation, or such agent as they may appoint, all books, papers and documents in their possession or control, belonging to the said company, within six months from the passage of this act, otherwise the same to be inoperative and void; and upon filing a deed or instrument in writing, abandoning and releasing their said interest to the said company, in the clerk's office of the county of Allegany, then this law shall take effect.



## CHAP. 252.

## AN ACT to incorporate the Eastern Dispensary of the City of New-York.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Nicholas Dean, Samuel Akerly, Zebedee Ring, Martin W. Brett, Thompson Price, James R. Whiting, Abraham Dally, Luther Halsey, M. M. Quackenboss, John Lovett, Thomas Jeremiah, L. E. Embree, William W. Mott, Peter Ogilby, James P. Allaire, Henry W. Bool, James Palmer, Evert A. Bancker, James W. Dominick and Fyler Dibblee, together with their associates, and such other persons as shall hereafter become members of the corporation hereby created, shall be a body corporate, in fact and in name, by the name of "The Trustees of the Eastern Dispensary of the city of New-York," and shall have all the powers and privileges vested by the laws of this state in corporations.

Corporation created.

§ 2. The yearly income of such real and personal estate and hereditaments as the said corporation may hold shall not exceed the sum of six thousand dollars lawful money of the United States; and the said corporation shall have power and authority to lease the said real estate and hereditaments on such terms as they shall judge most beneficial; and also to dispose of all such personal estate at their will and pleasure, as they shall judge most beneficial and advantageous, to promote the purposes of the said corporation.

Yearly income.

§ 3. It shall be lawful for the said trustees of the said corporation to appropriate from the funds of the said corporation, from time to time, such sums as they shall deem proper, towards the establishment and support of a medical library, to be attached to the said dispensary, for the gratuitous use of the contributors to the said dispensary, and the medical officers thereof.

Medical library.

§ 4. There shall be forever hereafter not less than fifteen nor more than fifty trustees (exclusive of the president and vice-president,) of the said corporation; and the said trustees shall be contributors to the said dispensary, actually resident in the city of New-York.

Trustees.

§ 5. The first trustees of the said corporation shall be Nicholas Dean, Samuel Akerly, Zebedee Ring, Martin W. Brett, Thompson Price, James R. Whiting, Abraham Dally, Luther Halsey, M. M. Quackenboss, John Lovett, Thomas Jeremiah, L. E. Embree, William W. Mott, Peter Ogilby, James P.

First trustees

Allaire, Henry W. Bool, James Palmer, Evert A. Bancker, James W. Dominick, Fyler Dibblee, who shall hold their offices until the first Monday in April next ensuing.

**Election.**

§ 6. The members of said corporation shall, on the first Monday in April next ensuing, and yearly for every year thereafter on the first Monday in April, meet at some convenient place in the eastern part of the city of New-York, to be fixed by the by-laws of the said corporation; and a majority of them as shall so meet, shall by ballot elect not less than twenty nor more than fifty of their number to be trustees of the said corporation for the year ensuing, who shall immediately enter upon the said offices and hold the same from the time of such election for and during the space of one year, and until others shall be elected in their stead.

**Vacancies.**

§ 7. In case any of the said persons elected to be trustees of the said corporation, or who shall thereafter be elected thereto, shall die, or remove from the city of New-York before the time of their appointed service shall expire, or shall refuse or neglect to act in and execute the said office, then and in every such case, the remaining trustees of the said corporation shall, within thirty days thereafter, by ballot elect another or others of the members of said corporation, instead of him or them so dying or removing, refusing or neglecting to act; and such person or persons as shall have the greatest number of votes at every such election, shall hold their offices from the time of such election until the first Monday in April then next ensuing, and until another or others shall be chosen in his or their stead.

**Monthly meetings.**

§ 8. The trustees of the said corporation shall regularly meet on the first Monday in every month, and at such other times as they may judge expedient; and any seven or more of the said trustees being so convened together, shall forever hereafter be a legal meeting of said corporation; and at any and every such legal meeting of any seven or more of the trustees of the said corporation, it shall be lawful for them, or a majority of them, to exercise their legal powers of making by-laws and rules for the management of the property of the said corporation and the regulation of its affairs; and the same, or any part of them, to alter, amend or repeal from time to time, as they or a majority of them shall think proper.

**President.**

§ 9. At any such legal meeting of any seven or more of the trustees of the said corporation, it shall and may be lawful for them, or the majority of them, so met as aforesaid, to nominate and appoint one of the said trustees of the said corporation to be their president, and one to be their vice-president; also to appoint a treasurer and secretary of said corporation, and also to appoint so many physicians, surgeons, apothecaries, officers, and servants, and with such compensation as to them shall

seem meet, and whenever they shall think proper, to discharge them or any of them, and to appoint other or others in their stead.

§ 10. Any male adult who shall contribute for the benefit <sup>Members</sup> of this corporation the sum of five dollars, shall by virtue thereof become a member thereof, and shall continue so to be for the space of one year from and after the time of his making such contribution; and any like person who shall contribute the sum of three dollars, shall also become a member thereof, and continue so to be for the space of one year from and after the time of his making such contribution; and any like person who shall contribute fifty dollars for the like purpose, shall be a member of the said corporation for life; and any of the aforesaid contributors shall be entitled to have such number of patients (being proper objects of this institution) on the dispensary list, and for such term of time as shall be prescribed by the by-laws of the corporation.

§ 11. It shall be the duty of the trustees of the said corporation <sup>Annual report.</sup> hereby created, to exhibit annually, between the first and last days of May in each year to the chancellor of this state, a full and particular account of all the estate, both real and personal, then vested in the said corporation, and of the rent and income thereof, attested by the oath of the treasurer thereof that the same is a true and perfect account, together with a particular and detailed account of all moneys expended by the said corporation in the preceding year, specifying the several purposes to which it has been applied; and if it shall appear to the said chancellor that the amount of the said property, or the disposal of the same is not agreeable to the true intent and meaning of this act, he shall report the same to the legislature at their next ensuing session.

§ 12. This corporation shall have all the rights and privileges <sup>Privileges and restrictions.</sup> and be subject to all the provisions and restrictions contained in title third of the eighteenth chapter of the first part of the Revised Statutes of this state.

## CHAP. 253.

*AN ACT to divide the Town of Bethlehem, in the County of Albany.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. From and after the passage of this act, all that part of <sup>Town of New-York land annexed.</sup> the town of Bethlehem, in the county of Albany, lying west

of a line beginning at a point six miles west from the Hudson river, in the south bounds of the town of Guilderland, thence on a southerly course, parallel with the Hudson river, to a point in the north bounds of the town of Coeymans, six miles west from said Hudson river, and all lying west of said line, shall be a separate town, to be known by the name of New-Scotland, and the first town-meeting shall be held at the now dwelling-house of Edmund Raynsford, on the second Tuesday of April, one thousand eight hundred and thirty-three.

Bethlehem to remain.

§ 2. The remaining part of the town of Bethlehem shall remain a separate town, by the name of Bethlehem, and the next town-meeting shall be held at the now dwelling-house of Henry Winnie, on the second Tuesday, one thousand eight hundred and thirty-three.

Expenses

§ 3. The expenses of this division shall be a charge on both towns, in an equal proportion to the valuation of the last tax list, to be audited and paid as other town charges are paid.

## CHAP. 254.

*AN ACT to annex a part of the Town of Wales to the Town of Alden, in the county of Erie.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. From and after the passage of this act, all that part of the town Wales lying north of a line drawn from east to west through the centre of the Buffalo creek Indian reservation, shall be annexed to the town of Alden, and shall constitute a part of the said town of Alden.

## CHAP. 255.

*AN ACT to authorise the assessment and collection of certain Money within School-District No. 11, in the Town of Farmington.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be the duty of the trustees of school district number eleven, in the town of Farmington, to raise by tax

upon the taxable inhabitants of said district, upon the vote of a majority of said inhabitants, to be expressed in special town-meeting, to be held according to law, and in the manner prescribed by the fifth article of the fifteenth chapter of title second of the first part of the Revised Statutes, the sum of one hundred thirty-eight dollars and sixty cents, and to pay the same to William W. McLouth, Calvin Osgood and Epaphras Lapham, late trustees of said district, deducting therefrom five per cent for the collection thereof.

## CHAP. 256.

### AN ACT to incorporate the Brooklyn and Jamaica Rail-Road Company.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. James Foster, Fanning C. Tucker, William R. Gra-  
cie, Abraham Vanderveer, Philip Brasher, Joshua Sands, Da-  
vid Lamberson, John C. Smith, David Anderson, Obadiah Jackson, Van Wyck Wickes, Nathaniel F. Waring, John Johnson and Samuel Smith, and all such other persons as shall become stockholders agreeably to the provisions of this act, in the corporation hereby created, shall be, and for the term of fifty years from the passage of this act, shall continue to be a body corporate and politic, by the name of "The Brooklyn and Jamaica Rail-Road Company." Corporation created.

§ 2. The said corporation shall have the right to construct, and during its existence, to maintain and continue a rail-road, with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same. Commencing at any eligible point within the village of Brooklyn, in the county of Kings, and extending to any point within the village of Jamaica, in the county of Queens; and also of extending, constructing and using a single or double lateral rail-road or ways to the villages of Flushing or Flatbush, as the one or the other shall be rendered expedient by the line which shall be adopted for the main road, on the north or south side of the ridge of hills which lie between Brooklyn and Jamaica. Route of road

§ 3. The capital stock of the corporation shall be three hundred thousand dollars; and it shall be deemed personal property, and shall be divided into shares of fifty dollars. Stock.

§ 4. Eliphalet Wickes, James B. Clarke, Nathan Shelton, Samuel A. Willoughby, Peter Conover, James Herriman and Subscription to stock.

George Hall, shall be commissioners for receiving subscriptions to the capital stock of the corporation, and for apportioning the same among the subscribers agreeably to the provisions of this act.

Notice there-  
of.

§ 5. It shall be the duty of the commissioners, within six months after the passage of this act, to give notice once a week for three successive weeks, in a newspaper printed and published in each of the counties of Kings and Queens, of the time when the books will be opened, at some convenient place in each of the villages of Brooklyn and Jamaica, for receiving subscriptions to the capital stock of the said corporation.

Books.

§ 6. One or more of the said commissioners shall attend at the time and at the places appointed by the said notice for the opening of the said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto, in conformity with the provisions of this act.

First pay-  
ment.

§ 7. Each subscriber, at the time he subscribes, shall pay to the commissioners five dollars on each share of the stock subscribed by him.

Distribution  
of stock.

§ 8. If, at the expiration of the time mentioned in the sixth section of this act, it shall appear that more than the requisite number of shares has been subscribed, it shall be the duty of the commissioners forthwith to apportion the shares among the subscribers in such manner as they shall deem most for the interest of said company, and to issue certificates to each subscriber, stating the number of shares which have been apportioned to him.

Additional  
subscriptions.

§ 9. In case the capital stock shall not be fully taken up during the time specified in the preceding sixth section, it shall be the duty of the commissioners, from time to time, to take such further measures as they may deem necessary, in order to fill up the subscription for the stock.

Directors.

§ 10. The concerns of the corporation shall be managed by a board of thirteen directors, to be chosen annually by and from among the stockholders.

Meeting of  
stockholders.

§ 11. As soon as may be after the stock has been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published once in each week for three successive weeks prior to the time therein appointed for such election, in a newspaper printed and published in each of the counties of Kings and Queens.

Election.

§ 12. At the time and place appointed for that purpose, the commissioners, or a majority of them, shall attend, and the stockholders present, or their proxies duly appointed in wri-

ting, shall proceed to elect by ballot the requisite number of directors: the commissioners present shall preside at the election, and shall certify the result under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named: all future elections shall be conducted in the manner prescribed in the by-laws of the corporation.

§ 13. Each stockholder shall be allowed as many votes as <sup>Votes.</sup> he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first, for any stock that shall have been assigned to him at any time within thirty days prior to the time at which such election shall be held.

§ 14. The directors shall hold their offices for one year following their election, and until others are elected in their places: they shall appoint one of their number as president, <sup>President.</sup> and some suitable person a secretary of the corporation; they may also appoint such other officers as the interest of the corporation may require, who shall hold their offices at the pleasure of the directors.

§ 15. In addition to the general powers given by the Revised Statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said rail-road shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon: it shall have power also, by its officers, agents and servants, to enter upon any of the lands lying within the contemplated range of the said rail-road, for the purpose of examining, surveying and establishing its lines. <sup>Travel to be regulated.</sup>

§ 16. In case the corporation shall not be able to acquire the title to the lands through which the said rail-road shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections. <sup>Lands.</sup>

§ 17. The directors may present a petition to the vice-chancellor of the first circuit, setting forth, by some proper description, the lands which are wanted for the construction of the said rail-road, or the appendages thereto, and the names of the owners thereof, if known; distinguishing with convenient certainty, if it can be done, the parcels claimed severally by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain, by reason of the appropriation thereof by the said corporation to its own use. <sup>Petition to vice chancellor.</sup>

Hearing of parties.

§ 18. On the presentment of such petition, the said vice-chancellor shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given of the time and place of hearing; and in case it shall appear that any of the owners of the said lands is a feme covert, an infant or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf.

Appraisers.

§ 19. At the time appointed for such hearing, the said vice-chancellor shall appoint three disinterested freeholders, residents of the county of Kings or of the county of Queens, for the purpose of assessing such damages; and in the order for their appointment shall direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

To be sworn.

§ 20. The said appraisers, after being sworn before some officer authorised to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such rail-road or its appendages.

To make report.

§ 21. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with all necessary certainty; the names of the owners of the respective parcels, if known, and if not known, stating that fact; and specifying also the damages which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid: and in case either of the parties are dissatisfied with the assessment, the said vice-chancellor may, on the hearing of the parties in interest, modify the assessment as shall appear to be just.

Lands to be entered upon

§ 22. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in either of the banks of the village of Brooklyn, as the said vice-chancellor shall direct, the said corporation shall immediately become entitled to the use of the said lands, for the purposes aforesaid; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effect as deeds are recorded, without any



other proof than the certificate of the said vice-chancellor, that the report is genuine.

§ 23. The corporation shall be bound to repair all public <sup>Repairs</sup> highways, bridges and water courses, which may be injured in constructing the said rail-road or its appendages, and shall restore them, as far as practicable, to as good a condition as they were in before they became injured.

§ 24. The said corporation may establish such by-laws, not <sup>By-laws.</sup> inconsistent with the laws of the state, respecting the calling in of the capital stock, and prescribing the duties of its officers and servants, and for the regulation of its affairs, as may be deemed expedient.

§ 25. The said corporation shall be allowed three years <sup>Time</sup> from the passage of this act, for the commencement of the construction of the said rail-road; and in case the same shall not be completed within five years thereafter, the privileges here-<sup>allowed.</sup> granted shall be forfeited.

§ 26. Every person who shall wilfully injure the said rail-<sup>Penalty.</sup> road, or any of its appendages, shall forfeit to the use of the said corporation, a sum equal to three times the amount of damages occasioned by such injury, to be recovered with costs of suit, in the name of such corporation, in an action of debt, before any court having cognizance thereof.

§ 27. The rail-road company hereby created shall, on the fifteenth day of May next, or as soon thereafter as the neces-<sup>Stock of a certain com-pany to be purchased.</sup> sary arrangements for that purpose can be made, purchase the stock of the Brooklyn, Jamaica and Flatbush turnpike company, at the rate of twenty-six dollars per share in cash, or shall pay them for said stock at the rate of twenty-three dollars a share in rail-road stock of the said company at par, at the option of each stockholder; and the said turnpike company shall be at liberty to divide previous to such sale, all the surplus money then on hand, and money due the said turnpike company, and shall transfer to the said rail-road company all their lands, and all other property, (except the said surplus money,) now belonging to them, and money due the said turnpike company; and also from the said fifteenth day of May, or as soon thereafter as the necessary arrangements for that purpose can be made, the directors of the said rail-road company shall be the directors of the said turnpike company, if the said rail-road company shall go into operation.

§ 28. No street or lane in the village of Brooklyn shall be made use of by the said rail-road company for the said rail-<sup>Regulations as to Brook-lyn.</sup> road, nor shall steam power be used on any part of the rail-road, within the said village, without the permission of the corporation of Brooklyn first had and obtained.

Report to be made.

§ 29. The directors of the said corporation for the time being, if required to do so by the legislature, shall, at the end of every year after the construction of the said rail-road shall have been commenced, and for the term of fifteen years after the same shall have been completed, cause to be filed in the office of the secretary of state, a detailed account of all the moneys expended during the year in constructing the said rail-road and its appendages, and in superintending and keeping the same in repair; and a similar account of the income derived by tolls or otherwise, from the use of the said rail-road; to the end that a just estimate may be made of the profits received by the said corporation therefrom: such accounts shall be verified by the oaths of at least two of the directors or other officers of the said corporation.

State may purchase road.

§ 30. If the legislature of this state shall, at the expiration of ten, and within fifteen years from the completion of said road, make provision by law for the repayment to the said corporation of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on said sums from the time of their expenditure, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all its fixtures and appurtenances, shall vest in and become the property of the people of this state.

Restrictions.

§ 31. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Rights reserved.

§ 32. The legislature may at any time alter, modify or repeal this act.

## CHAP. 257.

AN ACT further to amend the Act entitled "*An Act to authorise Benajah Byington to search for Rock Salt in the County of Onondaga,*" passed April 13, 1820.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The act entitled "*An act to authorise Benajah Byington to search for rock salt in the county of Onondaga,*" passed April 13, 1820, is hereby revived, and the same shall continue in force for three years from the passing of this act.

## CHAP. 258.

AN ACT for the Relief of Frederick Milligan.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be the duty of the treasurer, on the warrant of the comptroller, to pay to Frederick Milligan the sum of one hundred and sixty dollars, in full of all his claims upon this state for the sale of his person by the commissioners of sequestration.

## CHAP 259.

AN ACT continuing a Ferry across the Schoharie River.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for Jeremiah Bradway, his heirs and assigns, to continue and maintain a ferry across the Schoharie river at or near the dwelling-house of the said Bradway, in the town of Schoharie, for the term of six years from the first day of May, one thousand eight hundred and thirty-three.

§ 2. The said Jeremiah Bradway shall keep, support and maintain a good and sufficient scow or boat for the accommodation of said ferry, and at all reasonable times and seasons, cause the said scow or boat to be well manned to transport and ferry across said river persons, goods and chattels.

§ 3. The said Jeremiah Bradway shall be entitled to receive at the said ferry the following rates or tolls for ferriage, that is to say: for every wagon or four wheeled carriage, drawn by two horses or oxen, twelve and a half cents, and if drawn by four horses, twenty cents; every wagon, chair, sulky or chaise drawn by one horse, eight cents; every cart, sleigh or sled drawn by two horses or oxen, twelve and a half cents; every cutter drawn by one horse, six cents; every foot passenger, three cents; for cattle, horses or mules, not attached to carriages, three cents. But all persons crossing or transporting their families and property in their own scow or boat, having lands adjacent to either side of said river, or owning or being interested in any mills within two miles of the said ferry, drovers driving their horses, mules and cattle through said river,

and persons crossing on the ice, shall be exempt from paying any thing at the ferry.

Penalty.

§ 4. If the said Jeremiah Bradway or his agents or assigns shall take or receive any greater rates or tolls for transporting persons, goods or chattles than is authorised by this act, shall forfeit and pay for each offence the sum of five dollars to the person aggrieved, to be sued for and collected in an action of debt with costs before any court having cognizance thereof.

Restriction

§ 5. It shall not be lawful for any person, other than the said Jeremiah Bradway, his agents and assigns, to carry or transport any person or property for pay or hire across said river within the distance of two miles above or below said ferry; and every person violating the provisions of this section, shall forfeit and pay to the said Jeremiah Bradway or his assigns for every such offence, the sum of five dollars, to be recovered by him in an action of debt, with costs, in any court having cognizance thereof.

Bridge.

§ 6. In case there shall be erected and completed a sufficient bridge to accommodate the public across the said river, within one mile of the ferry hereby established at any time during the continuance of this act, then this act shall be deemed to be void.

Rights reserved.

§ 7. The legislature may at any time alter, modify or repeal this act.

## CHAP. 260.

AN ACT to incorporate the *Hamilton Water Association*.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Benjamin W. Babcock, Thomas Greenly and Seneca B. Burchard, and such other persons as may associate with them, for the purpose of supplying the village of Hamilton, in the county of Madison, with pure and wholesome water, shall be and hereby are created a body corporate and politic, by the name of "The Hamilton Water Association," and by that name they and their successors shall be capable in law of suing and being sued, of pleading and being impleaded, in any court whatsoever, and to hold and enjoy such personal property and real estate as may be necessary for the attainment and continuance of said object of supplying the village of Hamilton with water, not exceeding at any one time the sum of five thousand dollars.

Stock.

§ 2. The stock of said corporation shall be deemed personal property, and shall consist of one hundred shares, of thirty dol-

lars each: and for the purpose of forming such association the said Benjamin W. Babcock, Thomas Greenly and Seneca B. Burchard, shall procure a book, in which they shall enter as follows: "We whose names are hereunto subscribed promise to pay unto the Hamilton Water Association the sum of thirty dollars for each share set opposite our respective names, at the time or times required by said association, in payments of not more than five dollars on each share: and should either of us fail to make such payment, at the time or times the same shall be required, or within twenty days thereafter, then our said shares respectively to be forfeited to the benefit of said association, together with all previous payments made thereon."

§ 3. Such article or subscription, so entered and subscribed, shall in all respects be binding upon those who subscribe thereto, and a failure of any stockholder to make payment as therein specified shall be deemed a forfeiture to the benefit of the association of the stock of such stockholder and all previous payments made thereon. Subscription to stock.

§ 4. Within sixty days from the passage of this act the said Thomas Greenly, Benjamin W. Babcock and Seneca B. Burchard shall give notice in writing, signed by them, of the time and place where a meeting of the stockholders of said association will be held for the purpose of carrying into effect the object of said association; which notice shall be posted up at least six days previous to such meeting at three or more public places in said village. Meeting of stockholders.

§ 5. The stockholders so associated and met together, in pursuance of such notice, shall thereupon, and at each annual meeting thereafter, proceed to elect by ballot, a president, a secretary, a treasurer and an executive committee, which committee shall consist of at least three persons; all of whom shall hold their respective offices until the then next annual meeting of the association, and until others shall be elected in their respective places: in the election of officers, as well as other matters to be decided by the vote of the stockholders, each stockholder shall be entitled to one vote for each share by him held: such meeting shall fix the day on which their annual meeting shall thereafter be held, which day so fixed shall continue to be the day on which the annual meeting of the association shall thereafter be held in each year, until otherwise directed; such meeting may also adjourn to any other particular day and from time to time, and at the first meeting or any future meeting, do all acts and give all direction that may be proper and necessary to carry the object of the association into effect, and decide upon all purchases to be made for the use of said association. President.

§ 6. Whenever any meeting of said association shall fail to be held at the time appointed, or shall not be properly adjourned, Special meetings.

or a meeting shall be deemed necessary to be held by the executive committee, the president and secretary, or a majority of the stockholders, it shall and may be lawful for the said executive committee, the president and secretary, or a majority of the stockholders, to give public notice as provided in the fourth section of this act, of the time and place where, and the object for which a meeting of the stockholders will be held; and at the time and place mentioned in such notice the stockholders met in pursuance of such notice, being a majority, shall have power to do all acts mentioned in such notice that could of right be done by them at any regular, adjourned or appointed meeting.

Duty of president.

§ 7. The president of such association shall preside at all meetings when present, and with the assistance of the secretary, audit all accounts for money expended as well by the executive committee as others, and countersign all drafts upon the treasurer. The secretary shall record in a book to be provided for that purpose, the proceedings of all meetings held by the association. The treasurer shall receive and pay out all moneys belonging to the association, and shall enter in a book to be kept for that purpose, an account of all moneys by him received, the time when and of whom received, and of all moneys by him paid out, the time when and to whom paid, which account he shall exhibit to each and every meeting of said association, and which book shall be kept open for the examination of any member of the association, or any person interested therein, at all proper times.

Executive committee.

§ 8. The executive committee shall superintend and cause to be done and performed all the business of the association, make all purchases of real or personal property necessary to accomplish the object of the association, agreeable to and in pursuance of any general or special direction given them by any meeting of the stockholders.

Spring of water or stream.

§ 9. It shall and may be lawful for the association to purchase as aforesaid, by deed or lease, the right to any stream or spring of water, and the right to enter upon the land of any person to make use of such stream or spring of water; and to lay pipes or conduits for the purpose of supplying said village with water; and to lay such pipes or conduits in any public street or highway; and erect suitable and proper cisterns therein, and at all times to repair and alter the same, for the purposes aforesaid, by their putting and leaving such streets or highway in good repair, after having laid such pipes or conduits or erected such cisterns, or repaired the same.

Appraisal of land, &c.

§ 10. After the association shall have purchased any stream or spring of water, in all cases where they can not agree upon a price, and purchase by deed or lease the right to enter upon the land of any person, and in a careful and prudent manner to lay such pipes or conduits, and erect such cisterns where

the same may be necessary for supplying said village, or any part thereof, with water, they shall apply to a judge of the court of common pleas of the county of Madison, who shall thereupon, in writing under his hand, appoint three reputable freeholders of said village, not in any way interested in the premises nor of kin to any of the parties, who shall, on view of the lands and an examination of the facts of the case, decide and determine what sum the association shall pay for the privilege required; thereupon reduce their decision to writing and sign the same, which shall contain a particular description of the privilege or right required; one copy of which they shall deposit with the secretary of the association, and another copy thereof they shall deliver to the person interested in the lands upon which the right or privilege is required: which decision so made shall be conclusive in the premises; whereupon the association shall pay to the person owning said land the sum so determined and decided to be paid to him or her for such right or privilege; which payment, in pursuance of such decision, shall forever thereafter vest the association with the right to enter upon, and in a prudent and proper manner, use such right or privilege.

§ 11. The legislature may at any time hereafter alter, modify, amend or repeal this act. Rights reserved

§ 12. The corporation hereby created shall be subject to such of the provisions of the eighteenth chapter of the first part of the Revised Statutes as are not repealed. General provisions.

## CHAP. 261.

*AN ACT to incorporate the Good Hope Insurance Company, of the City of New-York.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. There shall be established in the city of New-York, a Name marine insurance company, to be called "The Good Hope Insurance Company of New-York." The said company shall carry on their business in the city of New-York.

§ 2. All such persons as shall hereafter be stockholders of the said company, shall be and they are hereby declared to be Corporation created. a body corporate and politic, in fact and in name, by the name and style of "The Good Hope Insurance Company of New-York."

Stock.

§ 3. The capital stock of the said corporation shall be three hundred thousand dollars, to be divided into shares of fifty dollars each.

Insurance.

§ 4. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods or merchandize, freight, bottomry, respondentia, interest, and all marine risks and inland navigation, and also to lend money on bottomry and respondentia; and they may cause themselves to be insured against maritime risks, upon the interests which they may have in any vessels, goods or merchandize, in virtue of any such loans on bottomry or respondentia.

Directors.

§ 5. The stock and affairs of the said corporation shall be managed and conducted by fifteen directors, each of whom shall be a stockholder of at least ten shares, a citizen of the United States, and a resident within this state; they shall be elected on the second Monday in January in each and every year, at such time of the day and at such place in the city of New-York as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their place, and no longer; and notice of the time and place of such annual election shall be published daily for the space of one week next preceding the same, in at least two of the public newspapers printed in the said city; and every such election shall be held under the inspection of three or more stockholders in the said company, not being directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share, and stockholders not personally present, being citizens of the United States, may vote by proxy, such proxy being granted directly to the person representing them at such election.

Subscription  
to stock and  
election of  
directors.

§ 6. Isaac Wright, John Adams, Jonathan H. Lawrence, Austin L. Sands and Robert Centre, are hereby appointed commissioners, whose duty it shall be on the third Monday in May next, at some suitable place in the city of New-York, to open books of subscriptions to the capital stock of the said company, and ten days after public notice shall be given by the said commissioners of the time and place of the opening of such books in two of the public newspapers printed in said city, and ten dollars on each share subscribed shall be paid the commissioners at the time of making the subscription; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders to choose fifteen directors; and the said commissioners shall be inspectors of the first election of directors of the said insurance company, and shall certify under their hands the names of those duly elected, and deliver over the subscription books; and the time and place of holding the first election of directors shall be fixed by the said



commissioners; and the directors to be chosen at such annual election, shall, as soon as may be, choose out of their own body one person to be president; and one other person to be assistant president; which president, or in case of his death, resignation or absence, the assistant, shall preside until the next annual election, or until another president shall be chosen; and in case of death or resignation of the president or assistant, or any director, such vacancy may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president and assistant, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

§ 7. The stock of the said company shall be assignable and transferable, and be considered as personal property. Stock personal property.

§ 8. All policies of insurance, and other contracts which are authorised by this act, which shall be made or entered into by the said corporation, may be made either under or without the seal thereof, and shall be subscribed by the president, or such other officer as shall be designated for that purpose by the by-laws of the said corporation, and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation according to the tenor, intent and meaning of this act, and of such policies and contracts; and the insured may thereupon, in case of loss arising, maintain an action on the case against such corporation; and all such policies and contracts may be so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted and carried on without the presence of a board of directors, by the president and assistant, or by either of them with a director, or by a committee to be appointed for such purposes; and the acts of such president and assistant, or of either of them, with a director, or of such committee, if done under and in conformity to the by-laws of the said corporation shall be binding and obligatory on it to all intents and purposes. Policies of insurance.

§ 9. It shall be the duty of the president and directors on the first Mondays of January and July in each year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the said corporation shall have been added to the capital: and no dividend shall be made of any premium received by the said president and directors, for any contract of insurance, until the voyage or risk insured be terminated. Dividends.

Deposition to  
be filed.

§ 10. Before the said corporation shall commence any business, or assume any risk in pursuance of this act, the president and secretary of the said company shall make a deposition in writing, before the mayor or recorder of the city of New-York, and file it in the office of the clerk of the city and county of New-York, that the capital stock of the said corporation has been paid in or secured to be paid either in the stocks of the United States or the public stocks created by this or any other state, or in the stock of any incorporated bank of this state which shall be at par in the market at the time, or in the stock of the corporation of the city of New-York, or upon bond and mortgage upon unincumbered real estate in this state; of the value of thirty-three and one-third per cent more than the amount loaned thereon, exclusive of buildings, unless the same shall be insured from loss by fire, and that all funds or moneys at any time under the control of the said corporation shall be loaned on the securities as above specified, nor shall any loan be made upon any other than the securities aforesaid; and every person guilty of wilful false swearing in the premises shall be subject to all the pains and penalties of perjury.

Real estate.

§ 11. The said corporation shall hold no real estate except such as may be requisite for the convenient transaction of its business, or such as may be bona fide mortgaged to the said company by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which it shall have obtained for such debts: and with regard to all such real estate as aforesaid, except such as may be necessary for its immediate accommodation, or such as shall have been bona fide mortgaged as aforesaid, the said corporation shall be bound to dispose of the same within five years after the acquisition thereof; otherwise the same may be forfeited, and vested in the people of this state.

Duration of  
act.

§ 12. This act shall continue in force for and during twenty-one years next ensuing; and that in respect of all debts which shall be contracted by the said corporation before the time limited for the expiration of this act, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their respective shares in the funds of the said corporation at that time, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation.

General  
powers.

§ 13. The said corporation shall possess the general powers of a corporation as defined in title third in the eighteenth chapter of the first part of the Revised Statutes, as are not repealed; and shall be subject to the operations of the provisions of that chapter.

§ 14. The legislature may at any time alter, modify or repeal this act. Rights reserved.

## CHAP. 262.

### AN ACT to incorporate the Schoharie and Otsego Rail-Road Company.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Peter Collier, Eliakim R. Ford, Jesse Rose, Leonard Caryl, Thomas B. Van Alstine, John Westover, Peter W. Snyder, Abraham L. Lawyer, Peter Shafer junior, and Philip Mann, with such other persons as shall become stockholders agreeably to the provisions of this act, in the corporation hereby created, shall be, and for the term of fifty years from the passage of this act, shall continue to be a body corporate and politic, by the name of the Schoharie and Otsego rail-road company. Corporation created.

§ 2. The corporation shall have the right to construct, and during its continuance to maintain and continue a rail-road, with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, from the line or track designated for the Canajoharie and Catskill rail-road, along the valleys of the Cobleskill and Schenevas creeks, to the Susquehannah river. Route of road.

§ 3. The capital stock of said corporation shall be three hundred thousand dollars, and it shall be deemed personal property, and shall be divided into shares of fifty dollars. Stock.

§ 4. Eben B. Morehouse, Peter Collier, Jared Goodyear, junior, Harvey W. Babcock, Schuyler Crippen, Jesse Rose, Thomas Lawyer, John P. Bellenger, Henry Hamilton, William Mann and Freeman Stanton, shall be commissioners for receiving subscriptions to the capital stock of said corporation, and for apportioning the same among the subscribers agreeably to the provisions of this act. Subscriptions to stock.

§ 5. It shall be the duty of the commissioners, within six months after the passage of this act, to give notice once in each week, for three successive weeks, in a newspaper printed and published in each of the counties of Schoharie and Otsego, of the time when the books will be opened, at some convenient place in each of said counties, for receiving subscriptions to the capital stock of the said corporation. Notice.

§ 6. One or more of the said commissioners shall attend at the time and at the places appointed by the said notice, for Books of subscription.

the opening of the said books, and for three days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto, in conformity with the provisions of this act.

First payment.

§ 7. Each subscriber, at the time he subscribes, shall pay to the commissioners two dollars on each share of the stock subscribed by him.

Apportionment of stock.

§ 8. If at the expiration of the time mentioned in the sixth section of this act it shall appear that more than the requisite number of shares has been subscribed, it shall be the duty of the commissioners, forthwith, to apportion the shares among the subscribers in such manner as they shall deem most for the interest of said company, and to issue certificates to each subscriber, stating the number of shares which have been apportioned to him.

Additional subscription.

§ 9. In case the capital stock shall not be fully taken up during the time specified in the preceding sixth section, it shall be the duty of the commissioners, from time to time, to take such further measures as they may deem necessary, in order to fill up the subscription for the stock.

Directors.

§ 10. The concerns of the corporation shall be managed by a board of thirteen directors, to be chosen annually by and from among the stockholders.

Meeting of stockholders.

§ 11. As soon as may be after the stock has been thus apportioned, the commissioners shall give a notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published once in each week for three successive weeks prior to the time therein appointed for such election, in a newspaper printed and published in each of the counties of Schoharie and Otsego.

Election.

§ 12. At the time and place appointed for that purpose, the commissioners, or some of them, shall attend, and the stockholders present, or their proxies duly appointed in writing, shall proceed to elect the directors by ballot; the commissioners present shall preside at the election, and shall certify the result under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of directors therein named; all future elections shall be conducted in the manner prescribed in the by-laws of the corporation.

Votes.

§ 13. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice: but no stockholder shall be allowed to vote at any election after the first, for any stock that shall have been assigned to

him at any time within thirty days prior to the time at which such election shall be held.

§ 14. The directors shall hold their offices for one year <sup>President.</sup> following their election, and until others are elected in their places: they shall appoint one of their number as president, and some suitable person a secretary of the corporation; they may also appoint such other officers as the interest of the corporation may require, who shall hold their offices at the pleasure of the directors.

§ 15. In addition to the general powers given by the Re- <sup>Special</sup>vised Statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said rail-road shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon; it shall have power also, by its officers, agents and servants, to enter upon any of the lands lying within the contemplated range of the said rail-road, for the purpose of examining, surveying and establishing its lines.

§ 16. In case the corporation shall not be able to acquire the <sup>Lands.</sup> title to the lands through which the said rail-road shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by this act, on complying with the provisions of the six following sections.

§ 17. The directors may present a petition to the vice-chancellor of the third or sixth circuit, setting forth by some <sup>Petition to</sup> proper description the lands which are wanted for the construction of the said rail-road, or the appendages thereto, and the names of the owners thereof if known; distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such land will severally sustain by reason of the appropriation thereof by the said corporation to its own use. <sup>vice-chancellor.</sup>

§ 18. On the presentment of such petition, the said vice- <sup>Hearing of</sup> chancellor shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing; and in case it shall appear that any of the owners of the said lands is a feme covert, an infant or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said vice-chancellor to appoint some discreet and responsible person to act in the premises in his or her behalf. <sup>parties.</sup>

§ 19. At the time appointed for such hearing, the said vice- <sup>Appraisers.</sup> chancellor shall appoint three disinterested freeholders, residents of the county of Schoharie, or of the county of Otsego,

for the purpose of assessing such damages ; and in the order of their appointment shall direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

To be sworn.

§ 20. The said appraisers, after being sworn before some officer authorised to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such rail-road or its appendages.

To report.

§ 21. The said appraisers shall make a report to the said vice-chancellor in writing, under their hands and seals, reciting the order for their appointment, and specifying the several parcels of land described therein, with all necessary certainty ; the names of the owners of the respective parcels, if known, and if not known stating that fact ; and specifying also the damages which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid ; and in case either of the parties are dissatisfied with the assessment, the said vice-chancellor may, on the hearing of the parties in interest, modify the assessment as shall appear to be just.

Lands when  
to be entered  
on.

§ 22. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said vice-chancellor, or on depositing the amount thereof for the use of such owners in such bank as the vice-chancellor shall direct, the said corporation shall immediately become entitled to the use of the said lands for the purposes aforesaid ; and the report of the said appraisers, with the order of the said vice-chancellor modifying the same, in case the same shall have been modified, may be recorded in the proper office, in the same manner and with the like effects as deeds are recorded, without any other proof than the certificate of the said vice-chancellor, that the report is genuine.

Repairs.

§ 23. The corporation shall be bound to repair all public highways, bridges and water courses, which may be injured in constructing the said rail-road or its appendages, and shall restore them, as far as practicable, to as good a condition as they were in before they became injured.

By laws.

§ 24. The said corporation may establish such by-laws not inconsistent with the laws of the state, respecting the calling in of the capital stock, and prescribing the duties of its officers and servants, and for the regulation of its affairs, as may be deemed expedient.

Time limited.

§ 25. The said corporation shall be allowed three years from the passage of this act, for the commencement of the construction of the said rail-road ; and in case the same shall not

be completed within seven years thereafter, the privileges herein granted shall be forfeited.

§ 26. Every person who shall wilfully injure the said rail-road or any of its appendages, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the said corporation, a sum equal to three times the amount of damages occasioned by such injury, to be recovered with costs of suit, in the name of such corporation, in an action of debt, before any court having cognizance thereof. Penalties.

§ 27. The directors of the said corporation shall, at the end of every year after the construction of the said rail-road shall have been commenced, and for the term of fifteen years after the same shall have been completed, cause to be filed in the office of the secretary of state, a detailed account of all the moneys expended during the year in constructing the said rail-road and its appendages, and in superintending and keeping the same in repair; and a similar account of the income derived by tolls or otherwise, from the use of the said rail-road; to the end that a just estimate may be made of the profits received by the said corporation therefrom: such accounts shall be verified by the oaths of at least two of the directors or other officers of the said corporation. Account of expenses.

§ 28. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said road, make provision by law for the repayment to the said corporation of the amount expended by them for permanent fixtures for the use of said road, with interest on said sums, from the time of their expenditure, at the rate of fourteen per cent per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 29. The said corporation shall be subject to the restrictions and liabilities imposed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. Restrictions and liabilities.

§ 30. The legislature may at any time alter, modify or repeal this act. Rights reserved.

## CHAP. 263.

AN ACT relating to the Second School District in the City of Albany.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

School  
house.

§ 1. The trustees of school district number two in the city of Albany, or their successors in office, are hereby empowered to erect a school building, for the use of said district school, and they are hereby authorised to mortgage the lot and building for the balance that may be due on the same, over and above the moneys now in hands of said trustees.

Tax

§ 2. It shall and may be lawful for said trustees, or their successors in office, to exact ten per cent on each rate bill for tuition, to be applied towards the expenses of interest, and the mortgage upon said building.

When to  
take effect.

§ 3. This act shall take effect immediately after the passage thereof.

## CHAP. 264.

AN ACT to extend the Charter of the New-York Coal Company, and to change the Name thereof.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Extended to  
1854.

§ 1. The act entitled "An act to incorporate the New-York coal company," passed April 6, 1814, is hereby continued in force until the sixth day of June, one thousand eight hundred and fifty-six.

General pro-  
visions.

§ 2. The said corporation shall be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Name.

§ 3. The said company shall hereafter be known by the name of the New-York and Tuscarora coal company.



**CHAP. 265.**

**AN ACT** *authorising Asa H. Perry to change his Name.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Asa H. Perry, of the city and county of Albany, may assume and take the name of George Cooke junior, by which latter name he shall be called and known.

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**CHAP. 266.**

**AN ACT** *to amend an Act entitled "An Act for the relief of the Orphan Asylum Society in the City of New-York."*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act for the relief of the Orphan Asylum society in the city of New-York," shall apply to and include the rents and profits of the real and personal estate which belonged to Philip Jacobs, late of the city of New-York, deceased, at the time of his death, and which have accrued since his death, and the rents and profits of the real and personal estate which belonged to the child of the said Philip Jacobs at the time of its death, and which have accrued since its death ; and the right and title of the people of this state to the aforesaid rents and profits are hereby conveyed and transferred to the Orphan Asylum society, in the city of New-York, for the like purposes, and subject to the like provisions as are contained in the act hereby amended.

**CHAP. 267.**

**AN ACT** *authorising the President, Directors and Company of the Otsego Lake Turnpike to remove their Toll-Gate.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Authority is hereby given to the president, directors and company of the Otsego lake turnpike, to remove their toll-gate from the place where it now stands to such other place as shall be by the judges of the county courts of the county of Otsego be deemed most suitable and proper.

**CHAP. 268.**

**AN ACT** *for the relief of George Deming.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The treasurer shall pay, on the warrant of the comptroller, to George Deming, the sum of one hundred and seventy dollars and four cents, in full for the balance received by the state, beyond its debt against the said George, on the sale of the south half of block number twenty-nine, in the village of Oswego.

**CHAP. 269.**

**AN ACT** *to extend the time for filling up the Stock of the Neptune Bell Marine Insurance Company, of New-York.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The time for filling up the stock of the Neptune Bell Marine insurance company of New-York, shall be, and hereby is extended for one year from the passage of this act ; and the act to amend an act, entitled "An act to incorporate the Neptune Company of New-York," passed April twenty-se-

cond, one thousand eight hundred and thirty-one, and all the parts and provisions of said act, are hereby revived, and shall hereafter have the same force and effect as if the said act was first passed at the time of the passage hereof.

## CHAP. 270.

### AN ACT to amend the Charter of "*The Poughkeepsie Savings Bank.*"

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The fourteenth section of the act entitled "An act to incorporate the Poughkeepsie Savings Bank," passed April 16, 1831, is hereby amended, so as to allow the board of managers to make deposits with "The New-York Life Insurance and Trust Company," or any bank in the city of New-York, on the terms mentioned in said section,

§ 2. The board of managers of the said corporation shall have one year from the passage of this act, to organize and commence the transaction of the business of the said corporation.

## CHAP. 271.

### AN ACT to incorporate the *Poughkeepsie Manufacturing Company.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. William Davis, James Hooker, Elias Trivett, Walter Cunningham, James Grant, junior, and such other persons as <sup>Corporation created</sup> may be associated with them, are hereby constituted a body corporate, by the name of "The Poughkeepsie Manufacturing Company," for the purpose of manufacturing cotton and woolen goods and machinery, or either of them separately, in the town of Poughkeepsie, in the county of Dutchess.

§ 2. The capital stock of the corporation shall be one hundred thousand dollars, which shall be divided into two thousand <sup>Stock.</sup> shares of fifty dollars each.

§ 3. Subscriptions to the capital stock of said corporation shall be opened under the direction of the trustees hereafter named; and it shall be the duty of the trustees for the time being <sup>Subscription to stock.</sup>

to call for and demand of the stockholders respectively, all sums of money by them subscribed, at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation; always giving thirty days' notice by their clerk or agent, in writing, to each stockholder, of such call or demand.

Trustees.

§ 4. The stock, property and concerns of the said corporation shall be managed by five trustees, to be chosen annually on the first Monday of June in each year, at such place as the trustees for the time being shall direct; and the first election for trustees shall be on the first Monday of June, one thousand eight hundred and thirty-three: and William Davis, James Hooker, Elias Trivett, Walter Cunningham and James Grant, junior, shall be the trustees from the time this act shall take effect, and until others are elected in their stead. Four weeks' previous notice of any election, after the first, shall be given of the time and place of holding such election by publishing said notice once in each week for four weeks immediately preceding such election in some newspaper printed in the county of Dutchess; and such election shall be holden under the inspection of the trustees for the time being, and shall be by ballot, by plurality of the votes of the stockholders present at such election, allowing one vote for every share.

First trustees.

Stock assignable.

§ 5. The stock of the said corporation shall be deemed personal property, and assignable and transferrable upon the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer or receive a dividend, until such debts be paid, to the satisfaction of the trustees.

Duration of act.

§ 6. The corporation hereby created shall continue twenty years, and no longer.

General powers.

§ 7. The said corporation shall possess the general powers and be subject to the prohibitions and restrictions contained in titles three and four of chapter eighteen, of the first part of the Revised Statutes, except so far as the same are modified by this act.

## CHAP. 272.

## AN ACT to incorporate the Rome Aqueduct Company.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Bela B. Hyde, Amos Parmalee, Plina Darrow, Hiram Wheedon, Jane Lynch and Peter A Jay, John O'Neil, Thomas Hurmatty, Lyman Briggs, Jeremiah B. Brainerd, James Merrill, Jeremiah Brainerd, and all other persons who now are or hereafter may be associated in the company to be formed for supplying the village on or near the Erie canal, in the town of Rome, Oneida county, with good and wholesome water, by means of conduits or aqueducts, shall be and are hereby created a body politic and corporate, by the name of "The Rome Aqueduct Company;" and may hold real and personal estate by purchase or otherwise, and convey the same as may be convenient for the transaction of its business, not exceeding one thousand dollars in the whole, exclusive of the profits or income of the said company.

Corporation created.

§ 2. Bela B. Hyde, Amos Parmelee and Plina Darrow shall be commissioners for receiving subscriptions for the stock of said company ; which said stock shall consist of one hundred shares of ten dollars each. And all persons who have expended any sums of money for the purposes contemplated by this act, shall be entitled to stock for the amount they have so paid ; and as soon as one-half of said stock shall be subscribed, said commissioners shall call a meeting of the stockholders for the purpose of choosing officers of said company ; the notice for which meeting shall be published two weeks previous thereto, in the newspaper printed at Rome aforesaid.

Subscriptions to stock.

§ 3. The stock, property, estate, affairs and concerns of the said corporation shall be managed and conducted by five directors, who shall be annually elected by the stockholders, in such manner as shall be directed by the by-laws of said corporation : and the directors so elected shall hold their offices for one year from the day on which they are elected : and in case of resignation or inability to serve, in any way whatsoever, the remaining directors may fill the vacancy for the remaining part of the year, all of which directors shall be stockholders.

Directors.

§ 4. The persons who may be chosen to be directors, shall meet as soon as may be after every election, and choose a president and secretary, one treasurer and collector, and as many other agents and servants as they may deem proper and useful ; and the said corporation shall have full power to make

Officers.

and ordain such by-laws, rules and regulations as they may deem necessary to attain and preserve the objects aforesaid, to impose penalties, not exceeding five dollars for one offence, for a breach of such by-laws, rules and regulations, which is calculated to prevent injuries to the conductors or aqueducts of the said company, or the drawing of water therefrom, without due authority from the said company; which permission shall be given by a certificate, sealed with the seal of said corporation, signed by the president and secretary. The said corporation shall have power to assess and collect from the members or stockholders of said company, their just and equal shares of the expenses that may be incurred in and about the concerns of the company, and to institute such suits as may be necessary to recover all such moneys as may become due to the company for water distributed from the conductors or otherwise; and that the said treasurer shall receive and pay out all moneys collected by virtue of this act, as he shall be directed by the said company; and the said secretary shall, in a book to be provided for that purpose, enter in writing all the proceedings of the company, and shall make out and deliver to the collector a list of the subscribers, with the respective amounts subscribed, and also a list of such persons as shall use the water, who may be in arrear for the use of the same; which said list or lists shall be certified by the president, of all such sum or sums of money as may be due, which said collector shall proceed to collect the moneys so contained in such list or lists, in like manner as the collector of any town is by law authorised to collect the taxes levied in said town, and shall pay over the same by him collected, to the said treasurer of such corporation.

Transfers.

§ 5. All transfer of shares of stock in said company shall be made and entered in writing in a book kept for that purpose, under such regulations as the corporation may think proper; that for the purpose of carrying this act into effect, it shall and may be lawful for the said company to pass through the lands of any person or persons, to dig up the same for the purpose of laying down aqueducts, and to enter on said lands at any time, to repair and examine the same; and said corporation shall have power to lay down aqueducts in any public highway or street, so as not to injure the travel on the same: and further, that in case of taking private property, they shall first purchase and pay therefor, or get consent for using the same; but in case of disagreement as to going through any lands, the differences may be settled and determined by any three discreet and reputable freeholders of the town of Rome, to be chosen and agreed upon by the parties; and in cases of refusal or neglect by either party to nominate and appoint them, then it shall be lawful for any judge of the court of common pleas of the county of Oneida, to appoint three discreet

Aqueducts  
how to be  
laid.

freeholders, not interested in the premises, at the request of either party, and on their determining the same, their award shall be final and conclusive: *Provided* the said company shall pay such sum or sums, as shall be determined upon by said freeholders, which said award shall be entered under their hands and seals, or the hands and seals of a majority of them.

§ 6. The stock of said corporation shall be deemed personal property: and the legislature may at any time alter or repeal this act; and nothing herein contained shall authorise said company to procure water for any mill machinery, or for any other purpose than to supply the inhabitants with water for the common domestic and culinary uses. Stock personal property.

§ 7. The corporation created by this act shall continue for twenty years from the passage of this act, unless their charter shall be forfeited or repealed, and shall be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes. Duration of act.

## CHAP. 273.

### AN ACT imposing a Tax on Dogs in the Counties of Richmond, Rockland and Westchester.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. There shall be annually levied and collected, in the counties of Richmond, Rockland and Westchester, the following tax on dogs: upon every dog or bitch of six months old or upwards, kept by any one person or family, fifty cents, and for every additional dog or bitch, kept by the same person or family, the same tax as is provided to be levied and collected by part first, chapter twenty, title seventeen, and section one of the Revised Statutes; and the revenue so collected in the counties of Richmond, Rockland and Westchester, shall be applied in the same manner as directed by the said title of the Revised Statutes.

## CHAP. 274.

## AN ACT for the more effectual improvement of Roads and Bridges.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*Application  
for additional  
tax.

§ 1. Whenever the commissioners of highways of any town in this state shall be of opinion, that the sum of two hundred and fifty dollars, as now allowed by law, will be insufficient to pay the expenses actually necessary for the improvement of roads and bridges, it shall be lawful for such commissioners to apply, in open town-meeting, for a vote authorising such additional sum to be raised as they may deem necessary for the purpose aforesaid, not exceeding two hundred and fifty dollars, in addition to the sum now allowed by law.

Notice how  
to be given.

§ 2. Before making such application, it shall be the duty of the commissioners to give notice of their intended application, by posting the same in a conspicuous manner in at least five of the most public places in such town, at least four weeks next preceding the annual town-meeting: such notice shall specify the amount to be applied for, and the purposes for which the same is intended to be appropriated, with the probable amount necessary to be expended at each place if there shall be more than one.

Accounts to  
be exhibited.

§ 3. Whenever any application for a grant of money for the purposes mentioned in the first section of this act, shall be made to any town-meeting, it shall be the duty of the commissioners making the same, to exhibit a statement of their accounts, and an estimate of the expenses necessary for the improvement of roads and bridges in such town the ensuing year.

Order to levy  
tax.

§ 4. If the town-meeting shall, by their votes, determine that a sum over and above the amount now allowed by law will be necessary for the improvement of roads and bridges, or to pay any balance that may be due, the clerk shall enter such resolution as shall be agreed to, in the minutes of the meeting, and deliver a copy thereof to the supervisor of the town, who shall lay the same before the board of supervisors at their next annual meeting; and it shall be their duty to cause the amount specified in such resolution, to be levied and collected, in the same manner as other town charges of such town.

Tax already  
ordered.

§ 5. If any town shall, at an annual meeting, have already voted to raise a sum exceeding two hundred and fifty dollars, for the purposes aforesaid, it shall be the duty of the board of supervisors of the county in which such town is situated to



assess, levy and collect the sum so voted to be raised upon said town.

## CHAP. 275.

AN ACT to incorporate the Village of Fort-Plain, in the County of Montgomery.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The district of country contained within the following bounds, viz: beginning at the intersection of the Osquake creek with the Mohawk river, in the town of Minden and county of Montgomery; thence up along the said river, as it winds and turns, to the northerly line of lot number four in Bleecker's patent; thence westerly along said line to the westerly or head line of the homestead lots number four, five, six and seven, in the patent aforesaid, on the table land adjoining the flats, to the point where said line intersects the creek aforesaid; and thence down to the centre of said creek, as it winds and turns, to the place of beginning, shall hereafter continue to be known and distinguished by the name of Fort-Plain village. Bounds of the village.

§ 2. AM the freeholders and inhabitants residing in said village shall be, and they are hereby constituted and declared to be from time to time and forever hereafter, a body politic and corporate, in fact and in name, by the name of "The Trustees of Fort-Plain Village," and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of said village. Corporation created.

§ 3. There shall be an annual meeting at some proper place in said village, on the first Tuesday in June; and all inhabitants of said village, qualified to vote at town-meetings, shall be qualified to vote at all village meetings. All meetings shall be called by a notice to be published for two weeks in all the public newspapers published in said village, or by putting up notices in writing in three public places in said village, which notice shall designate the time and place of the meeting. The first meeting shall be called by a justice of the peace of the town of Minden, and any justice of the peace of said town may preside at the same; and all subsequent meetings shall be called by the trustees of said village, who shall preside thereat. The said inhabitants, at their annual meetings, may elect by ballot, and by a plurality of votes, five trustees. Meetings of inhabitants to elect trustees.

tees, three assessors, one clerk, one treasurer and one collector, all of whom shall be freeholders. All persons elected or appointed to any office or place in said village shall, within ten days after their election or appointment, and before they commence the duties of their offices, give notice in writing of their acceptance: those elected at the first annual meeting to the justice who shall preside thereat, to be by him delivered to the clerk, and all others to the clerk of said village; and no oath of office shall be required. The said inhabitants, at an annual meeting, may vote to raise, by tax, a sum not exceeding five hundred dollars in any one year, and shall specify the purposes for which it is intended and to which it shall be applied, and may determine the compensation to be allowed to any officer of said village. The presiding officers at said meetings shall have the same powers as inspectors of elections, and shall canvass the votes and declare the result. The duration of all elective offices shall be one year, but the treasurer and clerk shall continue in office until their successors have filed their acceptance.

**Vacancies.**

§ 4. Vacancies in the board of trustees occurring in any manner shall be filled at a special meeting of the inhabitants, called by the remaining trustees and conducted in the same manner as an annual meeting. Vacancies in all other offices shall be filled by appointment by the trustees. All appointments shall be by warrant, signed by the trustees, and under their corporate seal. In case of a failure to elect trustees at an annual meeting, or if from any cause there should be no trustees, the treasurer and clerk shall call and preside at a meeting for the election of trustees.

**President.**

§ 5. The trustees shall within ten days after their election, elect one of their number to be their president, and may designate any other member to preside at their meetings in his absence; and supply his place in case of a vacancy. They shall have stated meetings as a board, and any trustee may call special meetings by notice to each; complaints and petitions shall be made and presented to the board; the said trustees may make, enact and publish, repeal and amend by-laws, police regulations and ordinances, for clearing off and cleansing the streets, alleys, highways and public squares; for preventing the dangerous construction and condition of chimneys, fire-places, stoves and stove pipes, and for inspecting the same for preventing fires; and the use of fire-works and fire-arms in the streets; and the deposit of ashes in unsafe places; to compel the owners of houses, shops and stores to have scuttles on the roofs; to prevent immoderate riding or driving in said village; to prevent, abate or remove nuisances; to appoint twenty firemen to every engine at any time possessed by the said village, and ten members of every hook and ladder company; to orga-

**By-laws.**

nize fire companies and hook and ladder companies, and to prescribe rules for their government, and to regulate the time and manner of their exercise; to provide engines and all necessary apparatus for the extinguishment of fires, and to require the inhabitants to provide and keep fire buckets; to compel the inhabitants of said village to aid in the extinguishment of fires, and to prescribe the mode of operations; to protect property in case of fires; to prevent the encumbering of streets and side-walks, and to protect the same from encroachment or injury; to protect trees in said village; to restrain the running at large of cattle, beasts and animals of all kinds; to light the streets; for constructing and preserving reservoirs, and regulating the use thereof; to establish a pound; to establish and regulate markets; and to restrain sales in the streets; and to enforce observance to all such by-laws, police regulations and ordinances by a penalty not exceeding fifteen dollars, to be sued for in the corporate name, and recovered before any justice of the peace in the county of Montgomery, in an action of debt, in which the pleadings shall be general, and this act and any proper special matter may be given in evidence; and no inhabitant of the said village shall for that cause be disqualified from being a justice, juror, witness or constable, on the trial of any cause for the recovery of any such penalty. All penalties shall be paid to the treasurer for the use of the village, and the trustees may remit penalties wholly or in part.

§ 6. The trustees may appoint a constable and pound-master, who shall hold their offices during their pleasure, and shall have the same powers and rights, and be charged with the same duties and responsibilities as the same officers in towns; but the constable shall not serve any process in civil suits out of said village, except in favor of said village or against a person fleeing therefrom. The treasurer, constable, collector and pound-master shall give a bond, with such sureties and in such amount for the faithful performance of the duties of their offices as the trustees shall require, and may be prosecuted in the corporate name thereupon, for any violation of the condition thereof.

Constable  
and pound  
master.

§ 7. The assessors shall make all assessments as soon as may be after every annual meeting, at which a tax shall be voted, and the trustees may prescribe a time within which they shall complete it, by a resolution, a copy of which shall be served upon each assessor by the clerk. In making assessments, they shall proceed in the same manner, give the like notice, and have the same power to make corrections as assessors in towns. When they shall have completed an assessment, they shall deliver one corrected copy of the assessment roll to the clerk and another to the treasurer. A copy of the assessment roll, certified by the clerk, with a warrant under

Assessment  
and collection  
of taxes.

the corporate seal, and signed by the trustees, shall be delivered to the collector, commanding him within a time to be specified therein, to collect of each individual named in the assessment roll, the amount of the tax assessed to each respectively, and to pay the same to the treasurer; and for the purpose of such collection, the collector shall have the same powers, and be subject to the same liabilities as collectors in towns, and may collect for his fees five per cent upon and in addition to the amount specified in his warrant. The trustees may enlarge the time of collection in case of necessity. All assessments for the general purposes of the village shall be made upon all the taxable real and personal property in said village, as near as may be, according to the last corrected assessment roll of the town of Minden; all assessments for local improvements shall be made upon the property of those deemed to be benefitted thereby, and in proportion to their respective benefits, and for such local improvements, the trustees shall determine who are to be assessed, and furnish the assessors with a list containing the names of all such persons, and the assessors shall then make the assessment upon those only. No inhabitant of said village shall vote on a question of taxation unless he be liable to be assessed for the payment of a tax for the general purposes of said village.

Payment of  
taxes.

§ 8. All assessment for taxes upon real estate shall be against the owner and occupant, and may be collected of either; and if paid by the occupant, may be recovered by him in an action against the owner, for money paid at his request. Taxes against non-resident owners of land, may be collected in the ordinary way or by suit in the corporate name; a certificate under the corporate seal, signed by the president and clerk, specifying the amount of tax, the lots or lands upon which it was assessed, when the assessment was made, and the name of the person assessed, shall be evidence in any such suit; interest and cost shall be allowed in all such cases.

Penalties.

§ 9. All penalties for the violation of any ordinance restraining cattle, beasts and animals from running at large, shall be collected by suit and not by impounding and sale. All cattle, beasts and animals may be impounded for such violations, and sold for non-payment of the fees of the pound master in the same manner and upon the like notice as is required in the case of strays; the surplus of any such sales, deducting the fees of the pound master, shall be paid within five days thereafter to the treasurer of the village for the owner, if claimed within three months, if not, for the benefit of the village.

Shows, &c.

§ 10. The trustees may restrain all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical or other shows or exhibitions or performances, for money in said village.

§ 11. The treasurer shall receive all moneys belonging to <sup>Treasurer.</sup> the village, and keep an account of all receipts and expenditures in such manner as the said trustees shall direct, and subject at all times to their inspection. All moneys shall be drawn from the treasury by warrants under the corporate seal, signed by the trustees and countersigned by the clerk, who shall keep a copy thereof, which warrant shall specify for what purpose the amount specified therein is to be paid. He shall exhibit at every annual meeting a full account of all receipts and expenditures of the preceding year, and of the state of the treasury, which account shall be filed in the office of the clerk.

§ 12. The clerk shall keep the corporate seal and all the <sup>Clerk.</sup> papers belonging to said village, and make a record of all the proceedings of the inhabitants at their meetings, and of the trustees, whose meetings it shall be his duty to attend.

§ 13. The trustees shall be fire wardens, and shall have <sup>Fire wardens</sup> the charge of all the engines belonging to said village, and all other apparatus for the extinguishment of fires, and all other village property. They shall appoint the officers of the fire and hook and ladder companies; the firemen, and hook and ladder men, shall be exempt from service on juries in courts of record, and in the militia, except in case of war, invasion or insurrection; the evidence to entitle them to the exemption shall be a warrant, under the corporate seal, signed by the trustees and clerk, within the year in which the exemption is claimed.

§ 14. The said village of Fort-Plain shall be a road district, and shall be exempt from the superintendence of the commissioners of highways of the town of Minden, and the trustees of the said village shall be commissioners of highways, and shall have the same powers and be charged with the same duties over the roads in the said village, as commissioners of highways in towns have or possess. They may divide the said village into districts, and appoint an overseer in each, who shall hold his place during their pleasure; and all such overseers shall have the same powers, duties and liabilities, as overseers of highways in towns. The said trustees may cause such portion of work to be laid out, and in such places on the highways leading into the said village, as the inhabitants of said village at an annual meeting may direct and designate.

§ 15. If any person having been an officer in said village, <sup>Penalty.</sup> shall not, within ten days after notification and request, deliver to his successor in office all the property and effects of every description in his possession belonging to the said village, or appertaining to the office he held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, to be recovered in the corpo-

rate name, for the use of the village, in any court having cognizance of such actions. All suits in behalf of said village shall be ordered and conducted by the trustees.

Property of  
the village.

§ 16. All the property now possessed or owned by the village of Fort-Plain, real and personal, of every description, and however acquired, shall be the property of the said village, as a corporation, under this act; and the trustees of said village, to be elected by virtue of this act, shall have the possession, control and charge thereof, for the use and benefit of the said village.

Streets, roads  
&c.

§ 17. The said trustees, upon the petition or consent in writing of a majority of the persons liable to be assessed therefor, may lay out, make and open streets, roads, alleys or highways in said village; but no building shall be removed without the consent of the owner, and shall in all cases cause the same to be accurately surveyed, described and recorded, in a book to be kept by the clerk of the said village, and the same when opened and made, shall be public highways. And the said trustees may, upon like petition or consent, cause to be made or repaired, side-walks and cross-walks in said village; but all persons liable to be assessed for side-walks, shall have the opportunity to construct them in front of their own lots, but if not done in the manner, of the materials, and within the time prescribed by the trustees, they may cause them to be constructed, and assess the expense upon the owners. All assessments for the laying out, opening and making streets, alleys, roads or highways, or constructing or repairing cross-walks and side-walks, and for all other local improvements, shall be made only upon the property of those who are deemed to be benefitted, and shall be in proportion to their respective benefits. The trustees shall determine who are to be assessed, and shall furnish to the assessors a list containing the names of all such persons, and of the amount to be assessed; and the assessors shall then, and within the time specified by the trustees, make the assessment upon such persons only, and in proportion as they shall deem each to be benefitted by the particular improvement for which the assessment is made. When the assessment is made, they shall give the like notice and have the same power to make corrections, as in the case of assessment for taxes. They shall deliver a corrected copy of the assessment roll to the clerk of the village, for the trustees. Any person assessed may appeal within six days after the delivery of the assessment roll to the clerk, to the trustees for the correction of the assessment. The appeal shall be in writing, and delivered to the clerk or president of the board. In case of appeal, the trustees shall appoint a time within ten days thereafter, for the hearing of those who are interested, and shall cause a notice to be posted for five days in some convenient public place, designating the time and place and object

of hearing; and they shall alter the proportions in such assessment if they are satisfied that injustice has been done by the assessors. Damages in case of laying out, opening and making any new street, alley, road or highway in said village shall be determined in the same manner as in case of roads and highways in towns, and the trustees shall have the same power as commissioners of highways to make agreements. Application for assessments may be made to the justices, by the trustees, or by any person claiming damage, and the jury may be taken from the village, or from without it, as the justices shall deem fit and expedient. The verdict of the jury shall be returned to the trustees, and they shall have the same powers to increase or reduce the damages, as the board of supervisors in the case of highways in towns. When the damages shall be finally liquidated, they shall form a part of the amount to be assessed by the assessors, as herein before directed. If the first assessment proves insufficient, the trustees may cause another to be made in the same manner; and if too large an amount shall at any time be raised, the excess shall be refunded rateably to those by whom it was paid. All assessments for improvements authorised by this section shall be made upon the real estate and collected of the owners thereof only. The collections may be made by the collector, in the same manner as taxes are by this act directed to be collected, and with like authority, or by suits in the corporate name, with interest and costs. The assessment roll filed in the office of the clerk shall be evidence on the part of the corporation; a corrected copy of the assessment roll shall, in all cases authorised by this section, be filed in the office of the clerk of the village, and the assessment shall remain a lien on the premises described therein, respectively, for one year only. In case of non-payment the said premises may be sold at any time within the year, and after the expiration of nine months from the filing of the assessment roll. Before any such sale, an order shall be made by the trustees, which shall be entered at large in the records of the village, kept by the clerk, directing the collector to sell, and particularly describing the premises to be sold, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the collector. The collector shall then advertise the premises to be sold, for six weeks, in the manner required in the case of mortgage sales, and the sale shall be conducted in the same manner. The proceedings may be stopped at any time by the owner, by paying to the collector the amount of the assessment, interest and expenses of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the assessment, interest and expenses. Affidavits of the advertisement and sale shall be made as required in the case of mortgage sales, and filed in

the office of the clerk of the village. And affidavit of sale shall state precisely the amount of the assessment, interest and expenses for which the sale was made. The collector may include five per cent upon the amount of the assessment, and no more, in the expenses for his fees, as in case of actual collection. The right of redemption in all cases of such sales, in the same manner and to the same extent, shall exist, to the owner and his creditors, as is allowed by law in the case of sales of real estate by virtue of executions. The money in case of redemptions may be paid to the purchaser, or for him to the clerk of the village. In case of no redemption, the trustees of the village, at any time after the expiration of fifteen months from the day of sale, shall make to the purchaser, or his legal representatives, a declaration in writing, under the corporate seal, signed by the trustees, containing a description of the premises, the fact of assessment, advertisement and sale, and the period for which the premises were sold; which declaration shall be evidence of a right to the use and occupancy of the premises for the said period from the day of sale. All buildings put on the premises in the exercise of such right of occupancy during the period, may be removed at the expiration thereof. Any person interested may appeal from any order of the trustees for laying out, opening or making any street, alley, road or highway, to the court of common pleas of the county of Montgomery, by notice in writing delivered to the clerk of the village, or one of the trustees, within ten days after the filing of the survey and description thereof in the office of the clerk. The only ground of appeal shall be the want of conformity in the proceedings of the trustees to the provisions of this act. The propriety or utility of the street, alley, road or highway, or the correctness of the assessment of damages or taxes, shall not constitute a ground of appeal. In case of appeal the trustees shall make return within ten days after notice thereof, and the court of common pleas shall, at the term next after the return which shall be filed in the office of the clerk of the county, proceed to hear and determine the appeal, and shall confirm or annul the proceedings of the trustees.

Rights  
reserved.

§ 18. The legislature may at any time alter, modify or repeal this act.



## CHAP. 276.

AN ACT *regulating Suits on Bills of Exchange and Promissory Notes.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the holder of any bill of exchange or promissory note hereafter to be made, instead of bringing separate suits against the drawers, makers, endorsers and acceptors of such bill or note, to include all or any of the said parties to the bill or note in one action, and to proceed to judgment and execution in the same manner as though all the defendants were joint contractors. Suits how to be brought.

§ 2. In any such action, any joint drawer, maker, endorser or acceptor, may plead in abatement the non-joinder of any other joint drawer, maker, endorser or acceptor, in the same manner as though this act had not been passed : and no judgment to be rendered in pursuance of this act, shall be of any effect against any defendant not served with process, or with the declaration where the suit shall be commenced by the service of a declaration ; except that where judgment shall be obtained against joint contractors, some of whom shall not be served with process, or with copy of the declaration where the suit is commenced by declaration, such judgment shall be of the same effect against joint contractors, as if this law had not passed. Abatement may be pleaded.

§ 3. The plaintiff in any such action, and in all other actions on bills of exchange or promissory notes, may declare upon the money counts alone ; and any such bill or note may be given in evidence under the money counts in all cases where a copy of the bill or note shall have been served with the declaration. Money counts.

§ 4. In any such action, judgment may be rendered for the plaintiff against some one or more of the defendants ; and also in favor of some one or more of the defendants against the plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default by pleading or on trial : and where judgment shall be rendered in favor of any defendant, he shall recover costs against the plaintiff, in the same manner as though judgment had been rendered for all of the defendants. Judgment.

§ 5. In any such action, any person or persons sued, shall be entitled to set off his or their demands against the plaintiff, Demands may be set off.

in the same manner as though such defendant or defendants had been sued in the form heretofore used.

**Verdict.**

§ 6. If, upon the trial of any such action, the whole amount of the demands set off by any or all of the defendants, and allowed by the jury or referees, shall be equal to, or shall exceed the amount of the plaintiff's demand as proved on the trial, the jury or referees shall find a verdict or make a report in favor of the defendants generally: but if the jury or referees shall allow any demand as a set off, and shall still find or report a balance in favor of the plaintiff, they shall state in their verdict, or certify in their report, the amount which they allow to each defendant as a set off against the plaintiff's demand.

**Rights and responsibilities.**

§ 7. The rights and responsibilities of the several parties to any such bill or note, as between each other, shall remain the same as though this act had not been passed; saving only the rights of the plaintiff, so far as they may have been determined by the judgment.

**Witnesses.**

§ 8. In every suit brought pursuant to the provisions of this act, any one or more of the defendants shall be entitled to the testimony of any co-defendant as a witness, in all those cases where the defendant or defendants calling the witness would have been entitled to his testimony, had the suit been brought in the form heretofore used, and in no other case.

**Separate actions.**

§ 9. Nothing in this act shall be construed to prevent the holder of any bill or note from bringing separate actions against the parties to any such bill or note, in the manner now authorised by law.

**Damages.**

§ 10. In all actions on promissory notes or bills of exchange, where the plaintiff shall file a copy of such promissory note or bill of exchange, with the declaration, the damages may be assessed as though the said note or bill of exchange had been set out specially in said declaration.

## CHAP. 277.

AN ACT *in relation to State Prisons.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

**Cells in Auburn prison.**

§ 1. It shall be the duty of the agent of the Auburn state prison, under the direction of the inspectors thereof, to construct two hundred and twenty additional solitary cells in that prison.

§ 2. The sum of six thousand dollars, to be drawn from the treasury on the warrant of the comptroller, is hereby appropriated for that purpose, but the same shall not be so drawn until the moneys which may be in the hands of the agent shall have been expended and accounted for to the comptroller.

Appropriation of \$6,000

§ 3. The money hereby appropriated, shall be drawn and accounted for in the manner heretofore prescribed by law ; and the inspectors of the aforesaid prison shall report to the next legislature their proceedings, together with a detailed statement of the moneys expended by them under this act.

How to be drawn, &c.

§ 4. All male convicts sentenced in the first, second and third senate districts, to imprisonment in a state prison, shall be confined in the state prison at Mount-Pleasant, and convicts so sentenced in all the other senate districts of the state, shall be confined in the state prison at Auburn ; but nothing herein contained shall affect the authority of the governor in making such changes in the districts aforesaid as may become necessary, and as is provided for by law.

Male convicts in 1, 2, and 3, districts.

§ 5. Each of the clerks of the said prison, before entering on the duties of his office, shall execute a bond to the people of the state, with sufficient sureties, to be approved of by the inspectors of the said prisons respectively, in the penal sum of four thousand dollars, conditioned for the faithful performance of the duties of his office according to law ; which bond shall be filed in the office of the comptroller of this state.

Clerks to give bond.

§ 6. The sum of money to be furnished by the agent of either of the aforesaid state prisons, to convicts when discharged, shall not exceed on an average three dollars to each convict.

Money paid to discharged convicts.

§ 7. The amount to be paid to the sheriffs of counties for the maintenance of each convict while on the way to the state prisons, shall be such sum as shall be actually expended for such maintenance, not exceeding the rate of one dollar for every thirty miles travel.

Allowance to sheriffs.

§ 8. The number of the guards of the Auburn state prison may be increased by the inspectors of the same, to twenty, including the sergeant thereof.

Guard at Auburn prison.

§ 9. The militia company organized in the village of Auburn for the safety of the Auburn state prison, shall, from time to time, as may be necessary, receive arms, accoutrements and ammunition from the state arsenal, at Albany, upon the order of the agent and keeper of the said prison.

Militia company to receive arms.

§ 10. It shall be the duty of the inspectors of the aforesaid state prisons to furnish to the legislature, with their respective annual reports, copies of the monthly returns, which are made to them on oath, by the agent thereof ; and also a list of all contracts entered into, by which the convicts are employed, setting forth

Inspectors to report annually.

the portion of the same that may have been finished during the year, the sums of money received thereon, the probable time of their completion, and the amount which will then remain and become due.

Copies to be given to agents.

§ 11. The agent of each of the aforesaid prisons, shall be furnished with one hundred and fifty copies of the annual report of such prison.

Comptroller and clerk of Auburn prison to make corrections.

§ 12. The comptroller and the clerk of the Auburn state prison, are respectively hereby directed to make the following corrections of the account of the present agent of the Auburn state prison, as now standing upon the books of their respective offices, viz :

1. They shall debit to the agent the sum of two hundred and seventy-three dollars, paid to him by Isaac A. Selover, on the twenty-ninth day of November, eighteen hundred and thirty, but in posting carried back by the then clerk of the prison into the accounts of the month of October, which had been previously settled, and therefore was not charged to the agent in his account with the state :

2. They shall debit to the agent the sum of twenty-four dollars, entered upon the prison day book, as paid in the month of July, eighteen hundred and thirty, by David Hayden & Co. and posted to the credit of the contractors, but not charged to the agent in his account with the state, or deposited in the bank to his credit :

3. They shall debit to the agent the sum of fifty dollars, entered upon the prison abstract, as paid by E. & I. Pease, on the first day of December, eighteen hundred and thirty, but not charged to the agent in his account with the state or posted to the private account of the contractors, who made the payment ; and the clerk of the said prison is hereby further directed to pass to the credit of the said E. & I. Pease, upon their account with the prison, the said payment of fifty dollars made by them :

4. They shall credit to the agent the sum of five hundred and twenty-five dollars and ninety-three cents, that sum being shown to have been charged to him in his account with the state ; no part of which money came to his hands, but the whole of which was expended by the late clerk of the said prison, and not accounted for by him.

Comptroller to audit and allow certain expenses.

§ 13. The comptroller is hereby authorised and required to audit and allow to the late and present agent of the state prison at Auburn, and to the present agent of the state prison at Mount-Pleasant, all such charges for travelling and other personal expenses as have been by either of the said officers rendered to him, and now remain suspended in his office, upon satisfactory proof being adduced to him by or on the behalf of the present agents, and of the personal representatives of the late

agent of the Auburn prison, now deceased, that the said expenses were properly and necessarily incurred in the management of the affairs of their respective prisons.

§ 14. The sums paid by the late agent of the Auburn prison, for the support of a child born in that prison, and for the final disposition of the said child, to the end that it should no longer remain a public charge, shall also be allowed and credited in the final settlements of the accounts of the late agent.

For support  
of child born  
in Auburn  
prison.

## CHAP. 278.

*AN ACT for the relief of Michael Anthony, and to satisfy the Claims of Joseph Anthony.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The comptroller is authorised to draw his warrant upon the treasurer in favor of Michael Anthony, for the sum of five hundred dollars, upon the reception of satisfactory written evidence, derived from Joseph Anthony, that the said Michael Anthony is duly authorised to receive the aforesaid sum of money in satisfaction of the claim which Joseph Anthony had upon this state for the sum of two hundred pounds, awarded to the same in the year one thousand seven hundred and eighty-two, as a claim against the United States for waste committed in the destruction of wood and timber previous to that time by the army of the United States, upon land supposed to have been forfeited to the state, but which was owned by the said Joseph Anthony, situate at Peekskill, in the county of Westchester; which warrant upon presentation, the treasurer is required to pay.

§ 2. The comptroller shall file in his office the evidence which shall have been delivered to him of the right of the said Michael Anthony to receive the aforesaid sum of money.

## CHAP. 279.

**AN ACT to extend for a limited period the Act to establish the Ferry at Black Rock.**

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act relating to the ferry at Black Rock, in the county of Erie," passed February fifteenth, one thousand eight hundred and twenty-six, is hereby extended and declared in force for the term of nine years from the first day of May next.

§ 2. This act shall take effect immediately after its passage.

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## CHAP. 280.

**AN ACT to authorise the Supervisors of the County of Monroe to raise Money to build a Bridge across the Genesee River, at North Rochester.**

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The board of supervisors of the county of Monroe are hereby authorised, at their next or any future meeting, at their discretion, to levy and collect, as the contingent charges of said county are levied and collected, a sum sufficient to build a bridge across the Genesee river at North Rochester, at such place as the said board of supervisors shall designate, but the sum levied shall not exceed the sum of three thousand dollars.

§ 2. The said bridge shall be built under the superintendence of the said board of supervisors, and it shall be the duty of the treasurer of said county to pay, on the warrant of the supervisors, over to such person or persons as they shall therein appoint to receive the same, all the moneys which may come to his hands by virtue of this act.

## CHAP. 281.

AN ACT for the Relief of Samuel Barnum and Hezekiah Howell.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The attorney-general of this state is hereby required and directed to release Samuel Barnum and Hezekiah Howell, from a judgment against them in favor of the people of this state, and to execute all necessary papers in relation thereto, upon their paying all costs.

## CHAP. 282.

AN ACT to continue the act entitled "*An Act relative to the Cayuga Marshes and Swamp Lands, in the Valley of the Seneca River, and about the Cayuga Lake,*" passed April 26, 1831.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The said act shall be and remain in full force for one year from and after the passage of this act, and the commissioners therein named shall report to the next legislature as in and by the said act they were required to report to the present legislature.

## CHAP. 283.

AN ACT to amend the act entitled, "*An Act to incorporate the Trustees of St. Mary's Church, in the City of New-York.*"

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Roman Catholic bishop in the city of New-York <sup>President of</sup> for the time being, shall be ex officio president of the board of trustees of St. Mary's church, in said city. In case of the

absence or death of said bishop, the said board shall have power to appoint a chairman pro tempore.

**Clerk.** § 2. The clerk of the board of trustees shall be elected out of the board, and shall hold his office during the pleasure of the said board; the said clerk shall not be entitled to any compensation for his services.

**Sexton.** § 3. The sexton of St. Mary's church shall be appointed quarterly, by the mutual consent of the said bishop and trustees.

**Repeal.** § 4. Any section or part of any section of the act hereby amended, repugnant to the above provisions, is hereby repealed.

## CHAP. 284.

AN ACT to incorporate the *Catskill Classical School*.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

**Corporation created.** § 1. David Porter, Jacob Van Orden, Orrin Day, Thomas B. Cooke, and their associates, who have established a classical school in the village of Catskill, in the county of Greene, and those who shall hereafter become their associates, are hereby constituted a body corporate, by the name of "The Catskill Classical School."

**Stock.** § 2. The capital stock of said corporation shall not exceed three thousand dollars, and shall be divided into shares of twenty-five dollars each; and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation.

**Trustees.** § 3. The affairs of said corporation shall be managed by three trustees, to be chosen annually by the stockholders, on the second Monday in September in each year, by a majority of votes of the stockholders present; each stockholder shall be entitled to one vote on each share of stock owned by him, but no stockholder shall have more than five votes.

**First trustees** § 4. Orrin Day, Caleb Hopkins and Hiland Hill, junior, shall be the first trustees of said corporation, and shall hold their offices until the second Monday in September, one thousand eight hundred and thirty-two, and until others are elected.

**Vacancies.** § 5. Whenever any vacancy shall happen in the office of a trustee, by death, resignation or otherwise, the remaining trustees may supply such vacancy by electing another, who shall be a member of the corporation, as a trustee, who shall hold



his office from the time of such election, until the second Monday in September then next ensuing, and until another shall be chosen in his stead.

§ 6.. The said corporation shall possess the general powers, <sup>General powers</sup> and be subject to the liabilities and provisions contained in title third of chapter eighteen of the first part of the Revised Statutes.

## CHAP. 285.

AN ACT *relative to Roads and Bridges, in the Town of Milton, in the County of Saratoga.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The inhabitants of the town of Milton aforesaid, may, at their annual town-meeting in each year, for the term of ten years, direct and order the levy, assessment and collection of a sum not exceeding seven hundred and fifty dollars in any one year, for the purpose of building and repairing roads and bridges in said town, in the same manner as the said town is now authorised to raise money for that purpose.

## CHAP. 286.

AN ACT *authorising the President and Directors of the Albany and Delaware Turnpike Company to abandon part of said Turnpike, Road.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be lawful for the president and directors of the Albany and Delaware turnpike company to discontinue and <sup>Part to be</sup> abandon so much of their said turnpike as lies west of the twenty-two mile stone on said turnpike, in the town of Rensselaerville, and to remove and place the gate now near the twenty-two mile stone, to near the twenty mile stone; and all persons residing within one mile from the above location of the said gate on said turnpike, either way, or within one mile on either side of said turnpike, at right angles with the above distance, shall pass said gate without paying any toll.

Half toll  
gates.

§ 2. It shall be lawful for the said president and directors to put up two half-toll gates, instead of the full toll gate near the twelve mile stone, and to locate the one within one mile east of the said full toll gate, and the other about half way between said last mentioned gate and the gate on the bridge over the Norman's creek.

Public high-  
way.

§ 3. The part of the turnpike hereby authorised to be discontinued and relinquished, shall, from and after the passing of this act, be deemed a public highway, and shall be kept open and repaired by the commissioners of highways of the town through which the same passes, in the same manner as other public highways, pursuant to the laws of this state.

When to  
take effect.

§ 4. This act shall take effect immediately after its passage.

## CHAP. 287.

AN ACT to amend an Act entitled "*An Act to incorporate the Village of Hamilton, in the County of Madison,*" passed April 12th, 1816.

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Firemen.

§ 1. The trustees of the village of Hamilton shall have full power and authority to nominate and appoint a sufficient number of firemen (who are willing to accept of such appointment) not exceeding twenty for each fire engine belonging to the said village, to form a company to have the care, management, working and using the fire engine or engines, and other implements (belonging to the said village) for the extinguishment of fire, and the persons so nominated and appointed shall at all times be ready to assist in extinguishing fires.

Their privi-  
leges.

§ 2. Each person so to be nominated and appointed firemen as aforesaid, during the time that he actually continues to be a member of such fire company, shall be exempt from all ordinary military duty. The said trustees shall have power from time to time to remove from such fire company any member thereof, and to appoint others in their place and stead of those persons so removed; and it shall be lawful for said trustees from time to time to ordain and establish such by-laws, rules and regulations for the government and order of such persons so to be appointed firemen, for the purpose of exercise and skill, for using, trying and working said engine or engines and implements, and to impose on them such fine

and penalties for offences and breach of such by-laws and regulations, not exceeding five dollars for any one offence, as they may think proper.

§ 3. All penalties incurred and fines imposed by virtue of <sup>Penalties.</sup> this act, shall and may be sued for and recovered by the said trustees, in their corporate name, before any justice of the peace in Madison county, with costs of suit; which said fines and penalties, when collected, shall be appropriated and paid by said trustees, to such person, and for such uses and purposes, as shall be directed and appointed by the persons composing said fire company, or a majority of them.

§ 4. It shall be the duty of the clerk of said village to give <sup>Certificate of membership.</sup> to each person so nominated and appointed firemen, a certificate of membership; which certificates, under the hand of said clerk, shall be deemed and taken in all places and courts, as competent evidence that the person to whom it is given is a member of such fire company, and entitled to all the privileges and exemptions in and by this act granted to the members of the same company, provided said certificate shall bear date within one year from the time the same may be used.

§ 5. This act shall take effect immediately on the passage <sup>When to take effect.</sup> thereof; but the legislature may at any time hereafter alter, amend or repeal the same.

## CHAP. 288.

### AN ACT to incorporate the *Utica and Susquehannah Rail-Road Company.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Gardner Avery, Willard Crafts, Samuel R. Clark, Joshua Lamb, Joseph Morse, Augustus C. Welch, Richard Morris, Levi Bigelow, Charles C. Brodhead, Henry Green, Joseph E. Bloomfield, and such other persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of "The Utica and Susquehannah Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from some proper point in the village of Utica, along the valley of the Saquoit creek and the Unadilla and Susquehannah rivers, until it shall intersect the line of the New-York and Erie rail-road company; to take, transport, carry and convey, property and persons upon the same, by the power and force of steam, of

animals, or any mechanical power, or of any combination of them, for the term of fifty years from the passage of this act.

*Time limited.* § 2. If the corporation hereby created, shall not, within the space of three years from the passage of this act, commence, and within ten years thereafter, construct, finish and put in operation, the said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

*Stock.* § 3. The capital stock of the said company shall be one million dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

*Subscriptions to stock.* § 4. Gardner Avery, Willard Crafts, Joseph Morse, Levi Bigelow, Charles C. Brodhead, Henry Green and Joseph E. Bloomfield shall be commissioners, whose duty it shall be, before the first day of January next, at some suitable place in the village of New-Berlin, or in the city of Utica, or in the city of Albany, or in each and all of those places as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days; and within ten days thereafter, the said commissioners shall meet in the city of Utica; and if more than one million dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in the city, village or county wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

*Distribution of stock.* § 5. Within ten days after the said commissioners shall have met for the distribution of said stock, they shall give at least fourteen days' notice, in the same manner as directed in the preceding section, for a meeting of the said stockholders, at such time and place as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose either by person or proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and sur-

veys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§ 6. The first directors to be chosen shall hold their offices <sup>Directors be chosen.</sup> till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place on the line of said road, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in the city of Utica, and in such other public newspaper or papers as the said directors shall at the time deem necessary for the information of said stockholders. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, for every share held by him for thirty days previous to such election: and the directors so chosen, shall elect, as soon as may be after the said first meeting thereafter, out of their own number, a president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should at any time happen that an election of <sup>Election.</sup> directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held.

§ 8. The directors shall have full power to make all need- <sup>By-laws.</sup> ful and proper rules, regulations and by-laws for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers, and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, and appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

Real estate.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of the said single or double rail-road or way, and the accommodations requisite and appertaining thereto, and may also receive, hold and take all such voluntary grants and donations of land and real estate for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the circuit in which such lands shall lay, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the same county and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the said circuit, the said corporation shall be possessed of all

such land or real estate, and may enter upon, take possession, and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident. Rights of infants, &c.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished. Tolls, &c.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt. Penalty.

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation, to construct their single or double rail-road or way across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Crossing streams or roads.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of Utica, and in such other paper or papers as the directors shall deem expedient to give the necessary information to the stockholders. Calls on stockholders.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed. General powers.

Annual re-  
port.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

State may  
purchase  
road.

§ 28. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures, for the use of said rail-road, with interest on such sums, at the rate of fourteen per cent per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Right re-  
served.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 289.

AN ACT for the prevention of Frauds in the sale of Oils.

Passed April 25, 1832.

• *The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Names.

§ 1. All oils sold under the various names of sperm, lamp, summer, fall and winter oils shall be deemed to be pure sperm oil.

Test.

§ 2. The test of pure sperm oil is declared to be Southworth's Oliometer.

Liability of  
vendors.

§ 3. All oils sold under the names aforesaid, which shall be adulterated from pure sperm oil, shall be deemed whale oil, and the vender or venders shall be liable to the purchaser or purchasers for the difference in value between pure sperm oil and whale oil, unless the adulteration is disclosed to the purchaser at the time of the sale, and to be recovered in any court in this state having jurisdiction thereof, with costs of suit.

Penalty.

§ 4. Any person or persons who shall sell any oil or oils commonly known under the names specified in the first section of this act, which have been adulterated by a mixture of whale



oil or inferior oils, and not disclosing the full amount of adulteration to the purchaser, shall forfeit for every such offence, fifteen dollars, to be recovered with costs of suit in an action of debt or assumpsit, in the name and for the benefit of any person who shall prosecute for the same.

## CHAP. 290.

AN ACT *amending the "Act to incorporate the Northern Missionary Society."*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The number of members of the northern missionary society to constitute a quorum for the transaction of business is hereby reduced to five.

## CHAP. 291.

AN ACT *to authorise the Supervisors of Ontario County to raise certain Moneys for the purposes of the Poor-House in said County.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The supervisors of the county of Ontario are hereby authorised and required to cause to be assessed, collected and paid into the treasury of said county, in the same manner that ordinary county charges are by law directed to be levied and collected, either in one year, or in such instalments and at such times within four years as they shall think proper, the sum of three thousand dollars, over and above the ordinary fees of collection, for the purpose of purchasing an addition to the poor-house farm in said county. <sup>\$3,000 to be raised.</sup>

§ 2. It shall be lawful for the supervisors of said county of Ontario, and they are hereby authorised in their discretion, to levy and collect in the manner directed by the first section of this act, such sums as may be necessary for improvements and repairs upon said poor-house establishment, not exceeding five hundred dollars in any one year; and this power to cease at the expiration of three years from the passage of this act. <sup>\$500 to be raised.</sup>

How to be  
expended.

§ 3. The moneys authorised by this act are to be expended and accounted for in such manner as the supervisors of said county may direct or may have directed, for the purposes herein contemplated.

## CHAP. 292.

AN ACT *in relation to the Superintendents of the Poor of the several Counties of this State.*

Passed April 25, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Superintendents of Ulster county.

§ 1. Jacob J. Schoonmaker and Joseph Hasbrouck, junior, of the county of Ulster, are hereby severally appointed superintendents of the poor of that county, with the same powers and duties, and for the same term as if they held the said office by the appointment of the board of supervisors of that county at its last annual meeting.

Their acts confirmed.

§ 2. The acts of the said superintendents under color of their office as such superintendents since the last annual meeting of said supervisors, are hereby ratified and confirmed for all legal intents and purposes.

Acts of all other superintendents confirmed.

§ 3. All superintendents of the poor who may have taken the oath of office before a commissioner of deeds, a judge or a justice of the peace, are hereby declared duly qualified, and the official acts of such superintendents are hereby confirmed.

Superintendents how to be appointed.

§ 4. In the several counties of this state, where the superintendents of the poor are by law required to be appointed by the board of supervisors, the superintendents of the several counties, after the passage of this act, shall be appointed by the board of supervisors and the judges of the court of common pleas of the respective counties, in the same manner and at the same time as commissioners of deeds are required to be appointed by the twenty-ninth section of title four of chapter five of the first part of the Revised Statutes, any law or statute of this state to the contrary notwithstanding; and all acts or parts of acts inconsistent with this provision are hereby repealed.

Act to take effect.

§ 5. This act shall become a law immediately upon its passage.

## CHAP. 293.

AN ACT *for the relief of Daniel Clark.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. That Daniel Clark may, with the consent and approbation of the mayor, aldermen and commonalty of the city of New-York, erect and complete, at his wharf between Liberty and Courtland-streets, in said city, and adjoining the westerly line of West-street, such buildings for the use of steam-boats landing passengers at that place, as the said mayor, aldermen and commonalty may direct and approve, any law to the contrary notwithstanding. And if at any time thereafter the said mayor, aldermen and commonalty shall require such building to be removed, the said Daniel Clark shall remove the same, within sixty days after receiving a notice to that effect from the said mayor, aldermen and commonalty.

## CHAP. 294.

AN ACT *to incorporate the Poughkeepsie Silk Company.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. William Davis, James Emott, Gilbert Brewster, Alexander Forbus, James Hooker, Walter Cunningham, James Grant junior, Aaron Junis, Henry Conklin, Thomas L. Davies, Nathaniel P. Tallmadge, Solomon V. Frost, Matthew Vassar, John B. Forbus, Joseph J. Waldron, Henry Swift, Richard D. Davis, Edward K. James, Henry A. Livingston, Thomas W. Tallmadge, Elias Trivett, George P. Oakley, Robert Wilkinson, Jacob Van Benthuyssen, Josiah Williams, Nathan Conklin, Peter P. Hayes, Stephen Southwick, Paraclete Potter, Charles H. Ruggles, Gilbert Wilkinson, and all such persons as may become stockholders of said company, shall be and they are hereby created a body corporate and politic, by the name of "The Poughkeepsie Silk Company," for the term of twenty years, with power to purchase, hold, sell and convey real and personal estate ; but that said corporation shall not hold real estate out of the town of Poughkeepsie, nor more than five hundred acres at any one time, nor for any purpose besides the culture of silk and general husbandry.

**Stock.**

§ 2. The stock of said company shall be thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each; and as soon as one-half of said stock is subscribed the company may commence business.

**Trustees.**

§ 3. The persons herein before named shall be the trustees of said company, for one year from the passage of this act; and after that time, such and so many of them as are stockholders, shall be and continue trustees so long as they are and continue stockholders; that said trustees shall have power to fill up and supply all vacancies in their number by death, sale of stock or otherwise, at the first regular meeting after such vacancy may happen. Said trustees shall hold regular meetings, at least twice in each year, and as much oftener as they may by their by-laws direct and appoint. A majority of the whole number of trustees then in office shall be a quorum for the transaction of any business. The trustees shall appoint one of their own number to be president of said company, and five others of their number to be stewards thereof: They shall have power to remove said president and stewards at any time, and to fill their places: they may pass by-laws for the direction and management of the business and affairs of said company; and the president may call special meetings of the trustees at any time, by giving one week's notice in a newspaper printed in Poughkeepsie. The trustees may convene at any time within six months from the passage of this act, and appoint said president and stewards.

**Subscription  
to stock.**

§ 4. The president and stewards shall, within six months after their appointment, give notice for twenty days in a newspaper printed in Poughkeepsie, that on a certain day, and at a certain place in said town, they will receive subscriptions for the stock of said company; that at such time and place they shall receive the subscription for stock of all persons who will pay five dollars on each share to them on subscribing; that if more than the whole number of shares be subscribed, the president and stewards shall give and allow to every subscriber at least one share, and then distribute the remaining shares as they shall think proper.

**President and  
stewards.**

§ 5. The president and stewards shall have the management and charge of the business of the company, and have power to employ and pay servants and agents for such purpose; to appoint one of their number treasurer of the company; and they shall be required to report twice in each year, to the trustees, the condition of the affairs of the company; and they shall be bound by the by-laws and regulations of the trustees.

**Calls on  
stockholders.**

§ 6. The trustees may call in the whole or any part of the stock on twenty days' notice, to be given in a newspaper printed in Poughkeepsie, may direct the purchase or sale of

any real estate, pass all by-laws and regulations for the management of the affairs of the company, and of its business, and may make dividends of its surplus profits to the stockholders.

§ 7. Said corporation shall possess the general powers of a corporation, and be subject to the general provisions of one as established in the Revised Statutes; and the legislature may at any time alter, modify or repeal this act.

General powers.

## CHAP. 295.

*AN ACT to prevent the abatement of Suits, by or against Corporations, in certain cases.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The dissolution of a corporation by a decree of the court of chancery, or by the expiration of its charter, or otherwise, shall not abate any suit or proceedings in favor of such corporation, which shall have been pending at the time of such dissolution; but all such suits or proceedings may be continued by the receivers who shall have been appointed for such corporation by the court of chancery, or by the trustees on whom the estate and effects of such corporation shall have devolved, in the name of such corporation or in the names of such receivers or trustees, who may be substituted as plaintiffs under the direction of the court in which the suit shall be pending, and subject to such order as the court may deem expedient, in relation to the payment or security of costs.

The dissolution of a corporation not to abate a suit.

§ 2. Whenever a receiver of the property or effects of a corporation has been appointed before its dissolution or afterwards, new suits may be brought and carried on by any such receivers, either in their own names or in the names of the corporation for which they shall have been appointed; but no new suit shall be brought in the name of a corporation after it shall have been dissolved, or after the expiration of its charter.

New suits may be brought.

§ 3. No suit commenced in the name of any such receiver, shall be abated by his removal or death; but the same may be continued in the name of his successor, or of the corporation, if its charter has not expired or been dissolved, as may be directed by the court in which the suit shall be pending.

To be continued.

§ 4. The court in which any suit or proceeding against a corporation which shall have been dissolved by the decree of the court of chancery, or by the expiration of its charter, or

Power of the court.

otherwise, shall be pending at the time of such dissolution, shall have power, on the application of either party thereto, to make an order for the continuance of such suit or proceeding, and the same may thereafter be continued until a final judgment or decree shall be had therein, which shall have the like effect upon the rights of the parties, as if such corporation had not been dissolved.

## CHAP 296.

AN ACT *for the support of the Government of this State.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Whenever there shall not be money in the treasury belonging to the general fund, sufficient for the purposes of the government, the comptroller shall take money belonging either to the common school or literature fund, and shall assign to the fund to which the money so taken belonged, an equal amount of good bonds and mortgages, or other good securities belonging to the general fund. In all cases of such assignment to the literature fund, the comptroller shall give notice to the chancellor or secretary of the regents of the university; and in case of all such assignments to the common school fund, the comptroller shall give notice to the superintendent of common schools; and upon such notice the said chancellor or secretary or superintendent, shall attend to such assignment; and no bond or mortgage, or other security shall be so assigned to the literature fund without the consent of the said chancellor or secretary, or to the common school fund, without the consent of the superintendent, which consent shall be endorsed upon the bond and mortgage, or other security so assigned. The interest accrued and unpaid upon the bonds and mortgages, or other securities so assigned, shall be added to the principal, and deemed part of the amount thereof.

§ 2. When there shall not be money in the treasury belonging either to the general fund, the literature fund, or the common school fund, and money shall be needed for the purposes of the government, the comptroller shall give notice thereof to the commissioners of the canal fund, and they shall redeem with money belonging to the Erie and Champlain canals, the Erie and Champlain canal stock, held by and belonging to the literature and common school funds; and when all such stock shall be redeemed, the said commissioners shall purchase at par the stock of the Cayuga and Seneca, of the Oswego, and of the Hudson and Delaware canals, held by and belonging to either the

literature or common school funds in the order here mentioned, and in such portions and parcels as the wants of the general fund shall require ; and the stock so purchased shall be assigned to and held by the commissioners of the canal fund, for the Erie and Champlain canals.

## CHAP. 297.

AN ACT to settle the Claims of John C. McLean.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The treasurer, on the warrant of the comptroller, shall pay John C. McLean, ninety-eight dollars and ninety-six cents, in full satisfaction of all claims, balances and payments, held or made by the said McLean, against the people of this state, on account of lots number sixty-nine and seventy-four in the Peru-Bay tract.

## CHAP. 298.

AN ACT concerning Escheats, and to derive a Revenue therefrom.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All laws hereafter to be passed directing a release of <sup>Terms.</sup> the interest of the people of this state in lands or estate acquired by escheat, shall be upon the following terms and conditions, and in the manner hereafter directed, unless otherwise specially directed in the act authorising such release.

§ 2. Before the interest of the people of this state shall be released to any such lands or estate, the applicant or applicants shall apply to the commissioners of the land-office, and shall furnish said commissioners with proof of such escheat, and also with proof of the value and situation of the land and estate so escheated. <sup>Proof of escheat to be produced.</sup>

§ 3. If such proof shall not be satisfactory, the commissioners of the land-office may cause other proof to be taken, as to its situation and value, and may execute a release of the interest of the state on the following conditions, and such other <sup>Release of interest of the state.</sup>

conditions as may be contained in and directed in the act to be enacted in each particular case.

Proportion to  
be paid into  
the treasury.

§ 4. Upon releases being executed under the provisions of this act, the following proportional parts of the ascertained value of the estate released shall be paid by the grantee or grantees into the treasury of this state, for the use of the people thereof:

Child or  
grand-child.

1. If such grantee be the child or grand-child of the person from whom the estate is derived, and such estate is of the value of two hundred and fifty dollars and upwards, one-twentieth part of such value:

Father, mother,  
brother, sister.

2. If such grantee be the father, mother, brother or sister of the person from whom the estate is derived, and such estate is of the value of two hundred and fifty dollars, the one-tenth part of such value:

Uncle, &c.

3. If such grantee be the uncle, aunt, nephew or niece of the person from whom the estate is derived, one-fifth part of the value thereof:

Other relative.

4. If such grantee be any other relative, or be not a relative of the person from whom the estate is derived, one-fourth part of the value thereof:

Alien grantee.

5. In case such grantee, at the time of the death of the person from whom the estate is derived, shall have been or shall be an alien, resident without the United States, then the amount to be paid as above mentioned, shall be twenty per cent greater than the proportions above mentioned, respectively.

Payment  
when to be  
made.

§ 5. Such payment shall be made at the time of executing such release, or secured at the discretion of the commissioners of the land-office, by mortgage on the premises released, payable within two years with interest: and the grantee, in all cases under this act, shall also pay, or include in such mortgage, the expense of such release and of taking the proof, when taken by the direction of the commissioners of the land-office; and if a mortgage shall be given, the expense of the giving and recording of such mortgage.

Saving  
clause.

§ 6. In all cases of releases, under the provision of this act, the person or persons taking such release shall be deemed to take the property released subject to the debts of the person from whom the estate was derived: the payment of which debts to be enforced in the same manner as if the grantee had derived the property as heir at law.

Act when to  
take effect.

§ 7. This act shall take effect immediately on the passage thereof.



## CHAP. 299.

AN ACT relating to ~~Common~~ Schools.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The superintendent of common schools shall procure and furnish to each of the school districts in this state a copy of Hall's Lectures on School Keeping, for the use of said districts.

§ 2. The expense of procuring and furnishing said Lectures shall be defrayed in the usual way of defraying like expenses.

## CHAP. 300.

AN ACT to amend the act Part First, Title First, Chapter Seventeenth, of the Revised Statutes, "Of the Inspection of Flour and Meal."

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Every inspector of flour and meal shall be entitled to receive the following compensation for his services, to be paid by the person offering such flour or meal for inspection : For inspecting, boring, branding and plugging every hogshead, three cents, every barrel or half barrel, one cent, when inspected in the city and county of New-York, and two cents when inspected in any other county. For weighing and ascertaining the light weight, or under tare of any hogshead under tare, thirty cents ; of any barrel or half barrel, six cents.

§ 2. Section thirty of the act hereby amended, is repealed. Repeal

§ 3. The inspector of flour in the city of New-York, in his annual report to the legislature, shall give a detailed statement of his disbursements, in which he shall state the amount paid, to whom paid, when and for what purpose, which return shall be made under oath. New York inspector.

## CHAP. 301.

**AN ACT to authorise the Warwick and Mintsink Turnpike Road Company to abandon a part of their Road.**

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The president and directors of the Warwick and Mintsink turnpike road company, are hereby authorised to abandon all that part of their road, commencing at the line of the state of New-Jersey, and extending thence to its intersection with Pine Island turnpike ; and whenever the said president and directors shall, by writing, under their corporate seal, convey all their right, title and interest in and to the said turnpike, to the commissioners of highways of the town of Warwick, for the use of said town ; then, and from thenceforth, the said president and directors shall be released and discharged from all obligation to keep the said road so abandoned in repair.

§ 2. Nothing contained in this act shall be so construed as to exonerate or discharge the said president and directors from any penalties or liabilities which they may have incurred before the passage of this act.

## CHAP. 302.

**AN ACT to incorporate the Hudson and Berkshire Rail-Road Company.**

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. James Mellen, Oliver Wiswall, and such other persons as shall hereafter become stockholders of said company, are hereby constituted a body corporate and politic, by the name of "The Hudson and Berkshire Rail-Road Company," for the purpose of constructing a single or double rail-road or way, from the city of Hudson to the line of the state of New-York ; to take, transport, carry and convey property and persons upon the same, by the power and force of steam, of animals, or any mechanical power, or combination of them, for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the corporation hereby created shall not, within five years from the passage of this act, commence, and within five years thereafter construct, finish and put in operation, the

said single or double rail-road or way, then the said corporation shall thenceforth forever cease, and this act shall be null and void.

§ 3. The capital stock of the said company shall be three <sup>Stock.</sup> hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferrable in such manner as the by-laws of the said corporation shall direct.

§ 4. Oliver Wiswall, James Mellen and Rufus Reed shall <sup>Subscription to stock.</sup> be commissioners, whose duty it shall be, within one year after the passage of this act, at some suitable place in the city of Hudson; and at such other place as the said commissioners shall determine, to open books to receive subscriptions to the capital stock of said corporation, which books shall be kept open for subscription for the space of three successive days; and within ten days thereafter, the said commissioners shall meet in the city of Hudson; and if more than three hundred and fifty\* dollars shall have been subscribed, they shall distribute the said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Hudson, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

§ 5. Within ten days after the said commissioners have met <sup>Meeting of stockholders.</sup> for the distribution of said stock, they shall give at least fourteen days' notice, in one of the newspapers printed in the city of Hudson, for a meeting of the stockholders, at such time and place in said city as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said board of directors: the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of

\* So in the original.

all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

Directors.

§ 6. The first directors to be chosen shall hold their offices till the first Monday in June in the next succeeding year after such election, and until others shall be chosen; and every election of directors thereafter shall be annually on the first Monday in June in each and every year, at such time and place in the city of Hudson as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said city. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of directors shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election: and the directors so chosen shall elect, as soon as may be after the said first meeting, and every annual meeting thereafter, one of their own number as president. In case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

Election.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held.

By-laws

§ 8. The directors shall have full power to make all needful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of tolls, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation: and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation.

Lands may  
be purchased  
and held.

§ 9. The corporation is hereby empowered to purchase, receive and hold such land as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands as may

be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto : and may also receive, hold and take all such voluntary grants and donations of land, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way : but all lands thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them ; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the third circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties ; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land will sustain by the occupation thereof by the said corporation ; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Columbia, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages, if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services and expenses. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisement of damages, and the mode of making it, and all other facts necessary to a compliance with this section of this act ; and when the said order or decree shall be recorded in the office of the register of the court of chancery, the said corporation shall be possessed of all such land, and may enter upon and take possession, and use the same for the purposes of the said road.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land, the said vice-chancellor shall appoint some competent disinterested person to ap- Rights of infants, &c.

pear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Tolls, &c

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

Penalty.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

Crossing  
streams or  
roads.

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation to construct their single or double rail-road or ways across or upon the same; but the said corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Calls on  
stockholders.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the city of Hudson.

General pow-  
ers.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Annual re-  
port.

§ 16. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all

moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

§ 17. If the legislature of this state shall, at the expiration of ten, and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said corporation of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all its fixtures and appurtenances, shall vest in and become the property of the people of this state. State may purchase road.

§ 18. For the purpose of continuing said rail-road from the city of Hudson, to Lenox or Pittsfield, in the state of Massachusetts, the corporation shall have and possess, with the consent of the legislature of that state, the same powers, privileges and authority, as have by this act been given for the purpose of making the road mentioned in the first section of this act. Additional powers.

§ 19. The legislature may at any time alter, amend, modify or repeal this act. Rights reserved.

## CHAP. 303.

### AN ACT to incorporate the New-York State Agricultural Society.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The New-York State Agricultural Society shall by that name and style be known for the term of twenty years as a body politic and corporate. Corporation created.

§ 2. The object of the society being to improve the condition of agriculture, horticulture and the household arts, they shall be allowed for those purposes only to take and hold real and personal estate, the former to the amount of twenty-five thousand dollars. Object.

§ 3. The said corporation shall possess the general powers and be subject to the liabilities and provisions contained in title third of the eighteen chapter of the first part of the Revised Statutes. General powers.

§ 4. The legislature may at any time alter, modify or repeal this act. Rights reserved.

## CHAP. 304.

## AN ACT to incorporate the Ticonderoga and Schroon Turnpike Road Company.

Passed April 26, 1832.

*The People of the, State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the "Ticonderoga and Schroon Turnpike Road Company."

General powers.

§ 2. The corporation hereby created shall possess the general powers and privileges, and be subject to the general liabilities of turnpike incorporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes, except so far as the same shall be altered by this act.

Stock.

§ 3. The capital stock of the said corporation shall consist of six hundred shares of twenty-five dollars each; and if the said capital shall be insufficient for the purchase and completion of said road and its appurtenances, the said capital may from time to time, by vote of the directors, or a majority of them, be increased to such an amount, not exceeding five thousand dollars, as shall be sufficient for the accomplishment of that purpose, and to fulfil the ends of the incorporation: and twenty thousand dollars is hereby prescribed as the amount of real and personal estate which the said corporation may hold and enjoy.

Subscription to stock.

§ 4. Joseph Weed, Melancton W. Blinn, Richard D. Arthur, Horace Hall and Thomas Potter, shall be commissioners to open books and receive subscriptions.

Route of road.

§ 5. The said corporation may construct a turnpike road from the lower falls of Lake George creek, in Ticonderoga, in the county of Essex, or from a convenient landing below said falls, to the state road, which runs through the town of Schroon, in said county.

How constructed.

§ 6. The said road may be constructed of such materials as the natural surface of the ground may afford: and the said corporation shall not be required to have the said road laid out of a greater width than fifty feet, nor to make the bed or arch thereof more than twenty feet in width; and when the steepness of side-hills, rocks, or other obstacles, render it impracticable or unnecessary, in the opinion of the commissioners, to complete it of that width, it shall be lawful for said company to make and complete it of such less width, and without a ditch on the lower side, as the commissioners may direct;



but in no place, however, shall the bed of the said road be made of less width than fifteen feet.

§ 7. The said corporation may receive labor and materials, <sup>Labor.</sup> or either of them, in payment, either in whole or part, for shares to be subscribed.

§ 8. When said road shall have been completed, the said <sup>Rates of toll.</sup> corporation may erect thereon two toll gates, at such places as the directors, or a majority of them, may designate, and at which gates respectively may be exacted and received for passing the same, except as is excepted in article third, title first of said chapter, the following rates of toll, to wit: For every cart, wagon or other wheel carriage, not hereinafter mentioned, and drawn by two horses, mules or oxen, or two other animals, twelve and an half cents, and for every additional horse, mule, ox, or other animal, three cents; for every coach, stage, coachee, hack, phaeton or curricule, or other pleasure carriage, drawn by two horses, or two other animals, twenty-five cents, and for every additional horse or other animal, six cents and a quarter of a cent; for every cart, sulky or wagon drawn by one horse or other animal, six and a quarter of a cent, and for every additional horse or other animal, three cents; for every horse rode or led, four cents; for every horse driven without drawing a vehicle, two cents; for every sleigh, sled, or other vehicle used on the snow or ice, and drawn by two horses, mules, oxen, or two other animals, six cents and a quarter of a cent, and for every additional horse, mule, ox, or other animal, two cents; for every cutter, jumper, or other vehicle drawn by one horse, mule, ox, or other animal, and used on the snow or ice, four cents; and for every additional mule, horse, ox, or other animal, two cents; for every score of mules or cattle, twenty-five cents; for every score of swine or sheep, ten cents, and in like proportion for a greater or less number of mules, cattle, swine or sheep.

§ 9. Whenever ten miles of said road shall have been completed, on complying with the provisions of the said third article, one gate may be erected, and toll exacted and received thereat, as aforesaid; and the said corporation may at any time, and as often as the directors thereof, or a majority of them, may deem proper, change the location of the said toll gates, or of either of them.

§ 10. The legislature may at any time modify, alter, amend <sup>Rights as-  
sured.</sup> or repeal this act.

## CHAP. 305.

## AN ACT to incorporate the Schenectady and Duanesburgh Turnpike Company.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. All persons who shall become stockholders pursuant to this act, are hereby constituted a body corporate, by the name of the Schenectady and Duanesburgh Turnpike Company.

General powers.

§ 2. The corporation hereby created, shall possess the general powers and privileges, and be subject to all the liabilities of turnpike corporations, as prescribed in the eighteenth chapter of the first part of the Revised Statutes of this state, except so far as shall be otherwise provided in this act.

Stock.

§ 3. The capital stock of the said corporation shall be six thousand dollars, with liberty to increase the same to twelve thousand dollars, and shall be divided into shares of twenty-five dollars each. William A. S. North, of Duanesburgh, Henry I. Vine, of Princetown, William Van Deusen, of Rotterdam, and Archibald Craig and Samuel W. Jones, of Schenectady, shall be commissioners to open the books and receive subscriptions for said capital stock of six thousand dollars, and five dollars on each share shall be paid to the commissioners at the time of subscribing, and such directors as may be in office when an increase of stock shall be determined on by them, shall receive subscriptions for shares of twenty-five dollars each, to the amount of such increase as may be so determined to be necessary, from time to time, until the whole capital of twelve thousand dollars shall be subscribed for.

Route of road

§ 4. The said corporation shall make a good and sufficient turnpike road, commencing at some point on the great western turnpike, between the store of James C. O. Neill, in Duanesburgh, and where the said great western turnpike crosses the south line of the town of Princetown, and running thence within the county of Schenectady to some point in or near the city of Schenectady, not further north than State-street.

Dimensions

§ 5. The said road shall be laid out four rods wide, and the track shall be made and faced with an arch of at least twenty feet in width ; but where the steepness of side hills, rocks and other obstacles render it impracticable or unnecessary, in the opinion of the commissioners appointed to lay out said road, to complete it to that width, it shall be sufficient to complete it

of less width and without a ditch on the lower side ; but in no place shall the said road be less than eighteen feet wide.

§ 6. Any public highway, or any part thereof, may be taken, <sup>Public high-ways.</sup> with the consent of a majority of the commissioners of highways of the town in which it may be situated, for the site of the said turnpike road, without other compensation to the town therefor than that the said corporation shall, during the existence thereof, keep the part of such highway so taken in repair.

§ 7. The said corporation may erect one full toll gate on <sup>Rates of toll.</sup> the said road, and demand and receive at the same, tolls not exceeding the following rates : for every wagon or cart drawn by two horses, mules or oxen, eight cents ; and for every additional horse, mule or ox, two cents ; for every wagon or cart drawn by one horse or mule, four cents ; for every coach, coachee, phaeton, or other four wheeled pleasure carriage, drawn by two horses, sixteen cents, and three cents for every additional horse ; for every stage, wagon or coach for the transportation of passengers, drawn by two horses, twelve cents, and for every additional horse, three cents ; for every chair or other two wheeled pleasure carriage drawn by one horse, six cents, and for every additional horse, three cents ; for every horse and rider, three cents ; for every horse led or drove, without being attached to a carriage, one cent ; for every sled or sleigh drawn by one horse, mule or ox, four cents, and two cents for every additional horse, mule or ox ; for every score of cattle or mules, ten cents ; for every score of hogs or sheep, four cents ; and in the same proportion for a greater or less number of cattle, mules, hogs or sheep.

§ 8. The said corporation shall have power, in lieu of such <sup>Half toll gates.</sup> full toll gate above mentioned, whenever they may deem it expedient, to erect and maintain two toll gates on the said turnpike, at each of which they may demand and receive one half of the tolls mentioned in the next preceding section. But no such gate shall be placed within one and a quarter mile from the place where the line of the city of Schenectady crosses the road commonly called Broadway, nor shall such gates be within four miles of each other.

§ 9. The corporation may commute with any person using <sup>Commu-tion.</sup> the said road, for a sum to be agreed on, in lieu of the tolls granted in this act, but no such commutation shall be for a longer time than one year, under any one agreement.

§ 10. The several corporations, that is to say, "the president, directors and first company of the great western turnpike road;" "the president, directors and company of the Albany and Schenectady turnpike;" "the trustees of the town of Rotterdam, in the county of Schenectady;" "the trustees of the <sup>Subscribers to stock.</sup>

town of Glenville, in the county of Schenectady;" "the Mohawk and Hudson rail-road company," and "the Saratoga and Schenectady rail-road company," may become subscribers to the stock hereby created, and shall have a right to vote on such stock by their attorney respectively, duly appointed; and shall be in all things entitled to the same privileges, and subject to the same restrictions and regulations in their corporate capacity as individual stockholders.

Certificate to  
be filed.

§ 11. It shall be the duty of the president and directors within three months after the said road shall be located by the commissioners to be appointed for that purpose, and a map thereof filed in the clerk's office of the county of Schenectady, to determine whether the said road shall be made or not, and file a certificate of such determination in the office of the secretary of this state; and if the said president and directors shall, by such determination, decide that the said turnpike shall not be made, they shall with as little delay as practicable, pay all debts due from the company; and the surplus funds in their hands, (if any shall remain,) shall be paid to the stockholders in proportion to the amount of stock owned at the time by them respectively, and this act shall be thenceforth void, and the corporation hereby created shall be dissolved.

Rights re-  
served.

§ 12. The legislature may at any time alter, amend or repeal this act.

## CHAP. 306.

*AN ACT providing for the sale of the Lands belonging to this State, lying upon and near Wood Creek, in the County of Oneida, and the St. Regis Reservation.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Lands author-  
ized to be  
sold.

§ 1. The commissioners of the land-office are hereby authorised in their discretion, and when they shall think it for the interest of the state so to do, to sell the lands belonging to this state lying on and near Wood creek, in the county of Oneida, and also the St. Regis Reservation.

Survey to be  
made.

§ 2. Before any sale shall take place, they shall cause the said tracts to be surveyed into farms of convenient size for actual settlers, unless where any part of the same is now occupied; and in such case the survey shall be for the quantity occupied, and no more, unless where the interest of the state will be promoted by a different location of the farms.

§ 3. After the same shall have been surveyed as provided in the preceding section, they shall cause the same to be appraised, but distinguishing in the appraisal, the value of the improvements from the value of the soil. Appraisal - ment

§ 4. After the appraisal shall be completed, the occupants of any of the parcels as surveyed, shall be at liberty to purchase the same from the state at the appraisal of the soil, one-fourth part of the purchase money to be paid to the treasurer of this state, at the time hereinafter mentioned, the remaining three-fourths in six equal annual payments, with the interest thereon. Rights of occupants.

§ 5. When the appraisal shall be completed, the commissioners shall give notice, by publication in the state paper, and also in one paper in the county in which the lands lie, that all the occupants may on or before a certain day therein to be named, not less than six weeks from the time of the first publication, become the purchasers of the lands they respectively occupied, as surveyed at the time of the appraisal, by complying with the terms mentioned in the preceding section. Notice to be published.

§ 6. In case the occupants shall not become the purchasers of the said lands, in pursuance of the provisions of this act, the said commissioners shall, immediately after the time limited for the occupants to become purchasers, give public notice for six weeks successively by a notice published in the state paper, three newspapers published in Oneida, as to the lands situate therein, and in a newspaper published in the counties of Franklin and Clinton, as to the St. Regis lands, that the said lands will be sold at public auction, at a time and place in the county of Oneida, or the county of Franklin or Clinton, to be designated in said notice. Notice of sale.

§ 7. At the time and place so designated the said commissioners, or one of them, shall proceed to sell the said lands at public auction, for the best price that can be obtained therefor: they shall require, at the time of sale, the one-fourth part of the purchase money to be paid; and shall also require the purchaser to enter into a contract for the payment of the remaining three-fourths in six equal annual payments, with the interest thereon. Auction.

§ 8. The said lands shall not be sold for a sum less than the appraised value of the soil; the excess, beyond the appraised value of the soil, until it amounts to the appraised value of the improvements, shall be for the benefit of the owner or occupant at the time of the appraisal. Minimum price.

## CHAP. 307.

AN ACT, further to amend an act entitled "*An Act to incorporate the Village of Auburn,*" passed April 18th, 1815.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The trustees of said village of Auburn shall have power to regulate the keeping of petty victualling houses therein.

Excise regulations.

§ 2. The powers and duties by the Revised Statutes vested in the commissioners of excise of the town of Auburn, shall be and are hereby transferred to, and vested in said trustees, so far as the same shall extend to the said village, and to be exercised in the manner provided for such commissioners: but no license to tavern keepers or grocers shall be granted, unless upon the concurrence of a majority of the trustees elected therein; nor shall the said trustees in any case, or under any pretence or color whatever, grant the licenses authorised to be given to keepers of inns and taverns, to grocers or keepers of such victualling houses as aforesaid; nor shall the said trustees have any rights or powers, in reference to granting licenses to tavern keepers or grocers in said village, other than those by law exercised by the commissioners of excise in the several towns in this state.

Meetings of trustees.

§ 3. The said trustees shall meet on the second Monday in May, in each year, and on such other days as the president of the board shall appoint, for the purposes aforesaid, and at such place as shall be designated by him: the book of minutes of their proceedings, kept and verified as by law required of commissioners of excise, and all bonds, executed upon the granting of any licenses, shall be filed with the clerk of said board.

Breach of bond to be prosecuted.

§ 4. Whenever a breach of the condition of any such bond shall happen, it shall be the duty of the president of said board of trustees to prosecute the same, and recover the penalty thereof for the use of the poor of the county: and upon the neglect of such president to prosecute such bond within fifteen days after due notice of such breach of the condition thereof, it shall be the duty of the district attorney of the county to prosecute the same and recover the penalty thereof, and account therefor in the manner provided by law: and all excise money received by said trustees shall be paid over to the treasurer of the county of Cayuga, for the benefit of the poor of said county.

§ 5. The board of excise of the town of Auburn, after the <sup>Restriction.</sup> passing of this act, shall have no power to grant any license to any grocer or tavern keeper in the said village.

§ 6. The said trustees shall have power to compel the <sup>Paving streets,</sup> owners or occupants of any lands or lots adjoining any public highway or street within said village to pave, stone or gravel the whole or any part of the street in front of said land or lots, to the centre of said street, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality of such materials.

§ 7. To carry into effect the preceding section, the said <sup>Notice.</sup> trustees shall serve a notice or order in writing, to be signed by the clerk of said village, upon either the owner or occupant of such land or lot, describing particularly the improvement to be made, the manner in which the same is ordered to be done, and the materials which shall be used, and the quality thereof, if they deem proper, and setting forth the time in which the same shall be completed; and in case the said improvement shall not be made and completed within the time limited by such notice to comply with such order, the said trustees may cause such improvement to be made or completed, in the manner specified in such order, and the expenses thereof may be by them assessed on such owner or occupant so neglecting or refusing, and be collected by warrant to be issued by said trustees, in the same manner as other taxes are collected in said village.

§ 8. The said trustees may at any time after the passing <sup>Fire engine s-</sup> of this act, purchase for the use of said village, one fire engine and apparatus, and levy a tax upon the real and personal estate of said village for the cost thereof; which tax shall be levied and collected in the same manner as the other taxes of said village.

§ 9. No person shall be allowed to vote at any election or <sup>Votes.</sup> general meeting of the freeholders and inhabitants of the said village, unless he shall be a citizen of the United States, and shall have resided within this state for one year next preceding such election or meeting, and for the last six months previous to such election, been an actual inhabitant of the said village.

§ 10. Any person offering to vote for any officers at such <sup>Oath.</sup> election, may be required by any person qualified to vote at such election, to take an oath as follows: "I, do solemnly swear that I am a citizen of the United States, of the age of twenty-one years; that I have resided within this state for one year next preceding this election, and for the last six months previous to this election have been an actual inhabitant of the village of Auburn." Which oath shall be administered by any person presiding as an inspector of such election.

Voting to  
raise money.

§ 11. It shall not be lawful for any person to vote in any meeting of the freeholders and inhabitants of the said village, upon any motion for raising money, unless he shall be a freeholder in said village, or unless he be the occupant of some tenement therein, or shall within the year previous to such meeting, have been assessed to pay taxes in the said village.

Penalty.]

§ 12. Every person not qualified as in the last preceding section is mentioned, who shall vote upon any such motion as is therein mentioned, shall forfeit and pay ten dollars for every such offence, to be prosecuted and recovered by the trustees of the village of Auburn before any court having cognizance thereof.

Rights  
reserved.

§ 13. This act shall take effect immediately after the passage thereof; and the legislature may at any time alter, modify or repeal the same.

## CHAP. 308.

### AN ACT concerning the Court for the Correction of Errors.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The court for the correction of errors may hold the terms thereof which shall be held in the interim of the sessions of the legislature, either in the City Hall of the city of New-York, or the Capitol in the city of Albany, or at the Academy in the city of Utica, as the court shall from time to time order.

§ 2. This act shall continue and be in force for the term of two years.

## CHAP. 309.

### AN ACT for the relief of the Seamen's Bank for Savings, in the City of New-York.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Money how  
to be invested

§ 1. It shall be lawful for the corporation called the Seamen's Bank for savings, in the city of New-York, in addition to the powers granted by the act of incorporation, to vest



moneys which they have received or shall receive, in any stock or securities for the redemption and payment of which the faith of any state in the Union shall be pledged; or in the bonds of the corporation of the city of New-York, and also, to make temporary deposits in any of the incorporated banks in the said city, and to receive interest thereon at such rates, not exceeding that allowed by law, as may be agreed upon.

§ 2. The board of trustees are hereby authorised to accumulate gradually and hold invested a surplus fund, not exceeding three per cent on the amount of deposits, to the end that, in case of a reduction in the market price of the public stocks and securities, held or to be held by the said bank, below the par value thereof, any loss to the depositors by reason of such reduction, may be prevented and made good by means of the said fund. Surplus fund.

§ 3. The said board of trustees may, from time to time, regulate the interests to be allowed to depositors so that the interest allowed to depositors having five hundred dollars or more deposited with the said bank, shall be at least one per cent less than the interest allowed to others, and so that no interest or dividend on account of the said surplus fund shall be allowed for moneys which shall have been withdrawn from the bank. Inte. est.

§ 4. The accountant of said bank for the time being, is hereby authorised to administer oaths in all cases where it may be necessary to carry into effect the true intent and object for which the institution was incorporated, and where such oaths shall be directed to be administered by the laws of the corporation. Accountant.

## CHAP. 310.

### AN ACT concerning the Inspection of Beef and Pork.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall not be lawful for any person to sell or dispose of any empty barrels or the heads of barrels that have contained inspected beef or pork, without first obliterating the inspector's marks or brands on said barrels or heads of barrels, under the penalty of five dollars for each and every barrel or head sold. And that every inspector of this state shall mark with paint his name as well as the quality on every barrel of thin, clear, soft, mealy pork he shall inspect; and if any person shall alter the inspector's mark or brand, or add any mark con-

trary to the true intent and meaning of this law, he shall forfeit and pay for every barrel so altered or shipped, or attempted to be shipped, ten dollars, which said penalties may be recovered by and to the use of any person who shall sue for the same.

## CHAP. 311.

*AN ACT extending the Charter of the Manchester Manufacturing Company.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Charter extended twenty years.

§ 1. The act incorporating the Manchester manufacturing company, situated in the town of Kirkland, county of Oneida, is hereby extended for twenty years from and after the expiration of the period specified in the said act.

Grist-mill.

§ 2. The said Manchester manufacturing company may work and carry on the grist-mill now owned by the said company, and may repair and rebuild the same, in case of injury or destruction.

Rights reserved.

§ 3. The legislature may at any time alter, modify or repeal this act or any of its provisions.

General powers.

§ 4. The said corporation shall possess the general powers of a corporation, as defined in the eighteenth chapter, title third of the first part of the Revised Statutes, and shall be subject to the provisions contained in that title, from and after the expiration of its present act of incorporation.

## CHAP. 312.

*AN ACT to amend an act, entitled " An Act for laying out and regulating certain Roads over the Esopus Low Lands, in the County of Ulster, and for ascertaining the Lines between the Towns of Goshen, Warwick and Minisink, in the County of Orange," passed 18th March, 1791.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. So much of the above entitled act as relates to the town of Kingston, in the county of Ulster, is hereby repealed.

## CHAP. 313.

## AN ACT to incorporate the Otsego Rail-Road Company.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. George Clarke, Robert Campbell, Henry Phinney, William H. Averill, John H. Prentiss, Damon Hatch, Elisha Foote, Stephen Gregory, Jerome Clark, Clark Davison, Levi Stewart, William Y. Waite and Peter Collier, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of "The Otsego Rail-Road Company," with power to construct a single, double or treble rail-road or way, in the county of Otsego, betwixt the Otsego Lake and the Schenevas creek, commencing at the Otsego Lake at or near the village of Cooperstown, and passing through the valley of the Susquehannah river to the Schenevas creek, at or near Colliersville, in the town of Milford, with power to connect said rail-road with any rail-road hereafter to be constructed, passing at or near Colliersville, in the town of Milford.

§ 2. If the corporation hereby created, shall not, within three years from the passage of this act, commence the construction of the said rail-road or way, and spend at least the sum of ten thousand dollars thereon, and shall not within five years from the passage of this act, construct, finish and put in operation, the said single, double or treble rail-road or ways, then the right of the said corporation shall be null and void.

§ 3. The capital stock of the said company shall be two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall, by by-laws direct.

§ 4. Robert Campbell, Henry Phinney and William H. Averill shall be commissioners, the duty of whom it shall be, within the period of six months after the passing of this act, at some suitable place in the county of Otsego, and at such other place as they may choose to designate, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, in one of the public newspapers in the county where such books shall be opened; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, at such time and place as the said commissioners shall appoint,

to choose thirteen directors; and such election shall be then and there made by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those duly elected, and deliver over the subscription books to the said directors. And the time and place of holding the first meeting of directors shall be fixed by the said commissioners. And the said directors shall have power to appoint an engineer, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line or lines for the location of the road: and the said directors shall, after such examinations and surveys shall be made, select, and by a certificate under their hands and seals, designate the line, course or way, which they may deem most advantageous for the said rail-road; which certificate shall be filed in the office of the clerk of Otsego county; which line, course or way, so selected and certified, shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make their single, double or treble rail-road or ways, as hereinafter mentioned; the expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

Apportionment of stock

§ 5. If within three days after opening the subscription books as aforesaid, a sum exceeding two hundred thousand dollars shall be subscribed, the commissioners shall proceed to apportion the stock among the subscribers, and shall complete the apportionment within sixty days after the opening of said subscription; and if the full amount of capital be not subscribed within three days, as aforesaid, then it shall be the duty of the commissioners to open the subscription books from time to time, until the whole amount shall have been subscribed. The commissioners shall receive no subscription, unless one dollar on each share subscribed be paid at the time of subscription.

President.

§ 6. The said directors to be chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their own number, one president, and one other person to be vice-president; and in case of the death, resignation or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen; and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the board of direc-

tors shall have power to appoint a president pro tempore, who shall have and exercise such powers\*and functions as the by-laws of the said corporation may provide.

§ 7. In case it should at any time happen that an election <sup>Election.</sup> of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time directed by the by-laws of the said corporation.

§ 8. The corporation is hereby empowered to purchase, <sup>Real estate.</sup> receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of and use all such lands and real estate as may be indispensable for the construction and maintenance of their rail-road or way, and the accommodations requisite and appertaining thereto: and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement between them as to the price, and before making any portion of the said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the sixth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Otsego, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determina-

tion, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution, as the said vice-chancellor shall direct, of the amount of damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the sixth circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon, take possession and use the same for the purposes of the said road.

Rights of infants, &c.

§ 9. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Dimensions of road.

§ 10. The said corporation is hereby authorised to construct, erect, build, make and use, a single, double or treble rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings for the accommodation of their concerns.

Crossing streams or roads.

§ 11. Whenever it shall be necessary for the construction of their single, double or treble rail-road or way, to intersect or cross any stream of water or water courses, or any road or highway, betwixt the places prescribed by the first section of this act, it shall be lawful for the said corporation to construct their way or ways across or upon the same; but the said corporation shall restore the stream or water courses, or road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Crossing rail-road.

§ 12. It shall be lawful for the owners of the land over which said rail-road shall be constructed, to cross the said rail-road with servants, cattle, teams and carriages, for the purpose of using and managing their respective farms, over which the said rail-road shall pass, doing no unnecessary damage to said rail-road.

Tolls.

§ 13. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls

and charges by them to be received for transportation of property or persons on the single, double or treble rail-road or ways aforesaid, hereby authorised to be constructed, erected, built, made and used.

§ 14. If any person shall wilfully do or cause to be done, <sup>Penalty.</sup> any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 15. It shall be lawful for the directors to require payment <sup>Cash on</sup> of the sums to be subscribed to the capital stock, at such times <sup>stockholders.</sup> and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the village of Coopers-town.

§ 16. The said corporation shall possess the general powers <sup>General</sup> and be subject to the general restrictions and liabilities pre- <sup>powers.</sup> scribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

§ 17. The directors of said company shall make an annual <sup>Annual</sup> report, in detail, of their proceedings and expenditures, veri- <sup>report.</sup> fied by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

§ 18. If the legislature of this state shall, at the expiration <sup>State may</sup> of ten and within fifteen years from the completion of said <sup>purchase</sup> rail-road, make provision by law for the repayment to the <sup>road.</sup> said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said road, with interest on such sums, at the rate of fourteen per cent per annum, together with all moneys expended by the said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

Rights  
reserved.

§ 19. The legislature may at any time alter, amend, modify or repeal this act.

## CHAP. 314.

AN ACT to incorporate the Society of Mechanics and Manufacturers of the County of Kings.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

- Name.** § 1. There shall be established and located in the county of Kings an association by the name of "The Society of Mechanics and Manufacturers of the county of Kings."
- Corporation created.** § 2. Alexander Birkbeck, James Walters, George L. Thatcher, David Anderson, jr. Alanson Raymond and Joshua Tolford, and such other persons as are or may become members of the said society, are hereby constituted a body corporate, by the name aforesaid.
- Object.** § 3. The objects of the said society are *charitable*; to afford aid to honest and industrious members entering upon, and whilst engaged in business; to establish a school for the education of their youth, and courses of lectures on mechanical and chemical philosophy, for the benefit of mechanics, manufacturers and apprentices.
- By laws.** § 4. The corporation shall have power to prescribe rules and regulations for the admission of its members, and their government, the election of its officers and their duties, and for expelling any of its members for not observing its laws; candidates for admission to said society shall be elected at the regular meeting of the same, by a majority of the votes of the members then present.
- Income.** § 5. The annual income of the real and personal estate which the said corporation may at any time hold shall not exceed three thousand dollars.
- General powers.** § 6. The corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.
- § 7. The legislature may at any time alter, amend or repeal this act.



## CHAP. 315.

## AN ACT to incorporate the Saratoga Springs and Schuylerville Rail-Road Company.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Philip Schuyler, and such other persons as shall here-  
after become stockholders of the said company, are hereby con-  
stituted a body corporate and politic, by the name of "The  
Saratoga Springs and Schuylerville Rail-Road Company," for  
the purpose of constructing a single or double rail-road or way,  
from some proper point in the village of Saratoga Springs to  
some proper point in the village of Schuylerville: to take,  
transport, carry and convey property and persons upon the  
same, by the power and force of steam, of animals or any me-  
chanical power, or of any combination of them. And the said  
company is hereby invested with the right and privilege of  
constructing, erecting, building, making and using a single or  
double rail-road or way, for the purposes aforesaid: and for  
the term of fifty years from the passage of this act.

Corporation  
created.

§ 2. If the corporation hereby created, shall not, within  
three years from the passage of this act, commence, and with-  
in five years thereafter, construct, finish and put in operation,  
the said single or double rail-road or way, then the said corpo-  
ration shall thenceforth forever cease, and this act shall be  
null and void.

Time limited.

§ 3. The capital stock of the said company shall be one  
hundred thousand dollars, which shall be divided into shares  
of fifty dollars each, and shall be deemed personal property,  
transferable in such manner as the by-laws of the said corpo-  
ration shall direct.

Stock.

§ 4. Philip Schuyler, Miles Beach, Harvey Granger, Hen-  
ry Walton, Richard M. Livingston, James Brisbin, jun. and  
Churchill C. Cambreleng, shall be commissioners, whose  
duty it shall be, within one year after the passage of this act,  
at some suitable place in the village of Saratoga Springs, or  
in the city of New-York, or in the city of Albany, or in each  
or all those places, as the said commissioners shall determine,  
to open books to receive subscriptions to the capital stock of  
said corporation, which books shall be kept open for subscrip-  
tion for the space of three successive days: and within ten  
days thereafter the said commissioners shall meet in the village  
of Saratoga Springs; and if more than one hundred thousand  
dollars shall have been subscribed, they shall distribute the

Subscriptions  
to stock.

said stock among the several subscribers, in such manner as they shall deem most conducive to the interests of the said corporation. The commissioners shall receive no subscriptions, unless five dollars on each share subscribed be paid at the time of subscription. Notice by publication in one of the newspapers published in Saratoga Springs, New-York or Albany, wherever the said books shall be opened, shall be given for fourteen days previous to the day appointed for that purpose.

Distribution  
of stock.

§ 5. Within ten days after the said commissioners have met for the distribution of said stock, they shall give at least fourteen days notice in one of the newspapers published in the village of Saratoga Springs, for a meeting of the stockholders, at such time and place in said village as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the stockholder to one vote: and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those *duly elected*, and deliver over the subscription books to the said board of directors; the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the board of directors shall have power to appoint an engineer, and cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them of the most advantageous line, course or way for the said rail-road. The expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

Directors.

§ 6. The first directors to be chosen, shall hold their offices till the first Monday in June in the next succeeding year after such election; and every election of directors thereafter, shall be annually on the first Monday in June in each and every year, at such time and place in the village of Saratoga Springs, as the directors shall appoint, giving fourteen days' previous notice, in one of the public newspapers printed in said village. Every such election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes present shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors, shall, by ballot, determine which shall be entitled to a seat at the board. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days previous to such election; and the directors so chosen, shall elect as

soon as may be, after the said first meeting, and every annual meeting thereafter, out of their own number, a president. In case of death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore.

§ 7. In case it should at any time happen that an election of directors shall not be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day on which it should have been held. Election.

§ 8. The directors shall have full power to make all need-ful and proper rules, regulations and by-laws, for the management and disposition of the stock, property and effects of the said corporation, the transfer of shares, and for the regulation of the duties and conduct of officers and servants, the election of directors, and to fix the number that shall constitute a quorum to do business; to fix the rates of toll, to appoint so many officers and servants as they may deem requisite, and to determine the amount of their compensation; and generally to do all other acts and things they may deem expedient, for the purpose of carrying into effect the objects contemplated by this incorporation. By-laws.

§ 9. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto, and may also receive, hold and take all such voluntary grants and donations of land and real estate as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way: but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the fourth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real Real estate.

estate will sustain by the occupation thereof by the said corporation: and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Saratoga, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing, under their hands, to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages, and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land, and reciting the appraisement of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the fourth circuit, the said corporation shall be seised and possessed of the fee simple of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

Rights of infants, &c.

§ 10. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

Tolls, &c.

§ 11. The said corporation shall have power to regulate the time and manner in which passengers, goods and other property shall be transported on said rail-road, and the manner of collecting tolls for such transportation, and to collect tolls as soon as any part thereof shall be finished.

Penalty.

§ 12. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

§ 13. Whenever it shall be necessary for the construction of their single or double rail-road or way, to intersect or cross any stream of water or water courses, or any road, street or highway, it shall be lawful for the said corporation, to construct their single or double rail-road or ways across or upon the same; but the corporation shall restore the stream or water course, or road, street or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Crossing  
streams or  
roads.

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the village of Saratoga Springs.

Calls on  
stockholders.

§ 15. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

General  
powers.

§ 16. The directors shall annually, after the commencement of said road, make a full and detailed statement of the expense of constructing the same; which report shall be under the oath of the president of said company, and shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years thereafter, file in said office a statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

Annual re-  
port.

§ 17. If the legislature of this state shall, at the expiration of ten years from the completion of said rail-road, or at any time thereafter, and within fifteen years after the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures, for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then this act shall become void, and the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

State may  
purchase  
road.

§ 18. The legislature may at any time alter, amend, modify or repeal this act.

Rights re-  
served.

## CHAP. 316.

## AN ACT to incorporate the Fish House and Amsterdam Rail-Road Company.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation  
created.

§ 1. Nathaniel Wescott, John J. Shew, with such other persons as shall associate with them for that purpose, are constituted a body corporate and politic, by the name of "The Fish House and Amsterdam Rail-Road Company," with power to construct a single or double rail-road or way, from the village of Fish House to Amsterdam, commencing at the village of Fish House, or in its vicinity, and running from thence by the most eligible route, to the village of Amsterdam, in Montgomery county, with power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them for the term of fifty years from the passage of this act.

Time limited.

§ 2. If the said corporation hereby created, shall not, within three years from the passage of this act, commence the construction of said rail-road or way, and shall not within eight years from the passage of this act, construct, finish and put in operation, the said rail-road or way, then the rights, privileges and powers of the said corporation under this act, shall be null and void.

Stock.

§ 3. The capital stock of the said company shall be two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-laws direct.

Subscriptions  
to stock.

§ 4. John Fay, Nathaniel Wescott, Duncan M<sup>r</sup> Martin, junior, Matthias J. Bovee, Benedict Arnold and Thaddeus St. John, shall be commissioners, the duty of whom it shall be, within the period of six months after the passing of this act, at some suitable place in the county of Montgomery, and such other place as they may choose to designate, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days public notice shall be given by the said commissioners of the time and place of the opening of such books in one of the public newspapers in each of the said places, and any five of the said commissioners shall constitute a board to receive subscriptions, and as soon as the same shall be subscribed, to give a like notice for a meeting of the stock-

holders, at such time and place as the said commissioners shall appoint, to choose thirteen directors; and such election shall be then and there made by such of the stockholders as shall attend for that purpose either in person or by lawful proxy, each share of the capital stock entitling a stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books to the said directors: and the time and place of holding the first meeting of directors shall be fixed by the said commissioners; and the said directors shall have power to appoint an engineer or engineers, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by the directors of the most advantageous line or lines for the location of the road; and the said directors shall, after such examinations and surveys shall be made, select, by certificates under their hands and seals, designate the line, course or way which they may deem most advantageous for the said rail-road, one of which certificates shall be filed in the office of the clerk of the county of Montgomery; which line, course or way so selected and certified, shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make their single or double rail-road or ways as hereinafter mentioned; the expenses of all such surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid for by the said corporation.

§5. If within three days after opening the subscription books as aforesaid, a sum exceeding two hundred and fifty thousand dollars shall be subscribed, the commissioners shall proceed to apportion the stock among the subscribers, in such manner as they shall deem most conducive to the interests of said corporation; and if the full amount of capital be not subscribed within three days as aforesaid, then it shall be the duty of the commissioners to open the subscription books from time to time until the whole amount shall have been subscribed. The commissioners shall receive no subscription, unless five dollars on each share subscribed be paid at the time of subscription.

§6. The said directors so chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their own number, one president, and one other person to be vice-president; and in case of the death, resignation or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen; and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the

Apportion-  
ment of stock

Directors to  
appoint a pres-  
ident.

year wherein they may happen, by the board of directors; and in case of the absence of the president and vice-president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

**Election.**

§ 7. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause be deemed to be dissolved; but such election may be held at any other time within sixty days thereafter.

**Real estate.**

§ 8. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyor and engineer, enter upon and take possession of, and use all such lands and real estate as may be indispensable for the construction and maintenance of their single and double rail-road or way, and the accommodations requisite and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, for the purpose of said road, as shall be made to the said corporation, to aid in the construction, maintenance and accommodation of the said single or double rail-road or way; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, and before making any portion of said road on said land, the said corporation, or the owner of such land, may apply by petition to the vice-chancellor of the fourth circuit, who, upon such application, shall cause such notice to be given to the other party as he shall deem proper and sufficient, appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, the said vice-chancellor shall direct the manner of ascertaining the damages which the owner of such land or real estate will sustain by the occupation thereof by the said corporation; and the said vice-chancellor shall appoint three competent and disinterested commissioners, who shall be freeholders and residents of the county of Montgomery, and who shall, under the direction of the said vice-chancellor, make appraisements and determine said damages, and report in writing under their hands to the said vice-chancellor, who shall examine the same and hear the parties in relation thereto, if he shall deem it expedient, and increase or diminish the damages if he shall be satisfied injustice has been done. The report shall contain



a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars each a day for their services. Upon proof to the vice-chancellor, to be made within thirty days after his determination, of payment to the owner, or of depositing to the credit of the owner in such incorporated monied institution as the said vice-chancellor shall direct, of the amount of said damages and the payment of all expenses, the said vice-chancellor shall make an order or decree, particularly describing the land and reciting the appraisal of damages and the mode of making it, and all other facts necessary to a compliance with this section of this act; and when the said order or decree shall be recorded in the office of the clerk of the said vice-chancellor of the fourth circuit, the said corporation shall be possessed of all such land or real estate, and may enter upon and take possession, and use the same for the purposes of the said road.

§ 9. In case any married woman, infant, idiot or insane <sup>Rights of</sup> person, or non-resident of the state, who shall not appear after <sup>infants.</sup> such notice, shall be interested in any such land or real estate, the said vice-chancellor shall appoint some competent disinterested person to appear before the said commissioners, and act for and in behalf of such married woman, infant, idiot, insane person or non-resident.

§ 10. The said corporation is hereby authorised to construct, <sup>Road.</sup> erect, build, make and use a single or double rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way designated by the directors as aforesaid, as the line, course and way whereon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings for the accommodation of their concerns, as they shall deem suitable to their interests.

§ 11. Whenever it shall be necessary for the construction <sup>Crossing</sup> of their single or double rail-road or way, to intersect or <sup>streams and</sup> cross any stream of water or water courses, or any road or highway, it shall be lawful for the said corporation to construct their way or ways across or upon the same: but the corporation shall restore the stream or water courses, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

§ 12. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls <sup>Tolls.</sup> and charges by them to be received for transportation of property or persons on the single or double rail-road or ways aforesaid, hereby authorised to be constructed, erected, built, made and

used; and to take and receive tolls upon any part of said route, whenever, and as fast as sections of ten miles are fully completed.

**Penalty.**

§ 13. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit by action of debt.

**Calls on stockholders.**

§ 14. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of such stock, and of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper published in the county of Montgomery, and the city of Albany, and in such other places as the said directors may deem proper to direct.

**Annual report.**

§ 15. The directors of said company shall make an annual report, in detail, of their proceedings and expenditures, verified by the affidavit of at least two of them, which report shall be filed in the office of the secretary of state; and in like manner shall, at the expiration of each year, for the term of fifteen years after the completion of said road, file in said office a detailed statement of tolls received on such rail-road, and of all moneys expended by said company for repairs or otherwise, for the purpose of said rail-road.

**State may purchase road.**

§ 16. If the legislature of this state shall, at the expiration of ten and within fifteen years from the completion of said rail-road, make provision by law for the repayment to the said company of the amount expended by them in the construction of said rail-road, together with all moneys expended by them for permanent fixtures for the use of said rail-road, with interest on such sums, at the rate of fourteen per centum per annum, together with all moneys expended by said company for repairs or otherwise, for the purposes of said road, after deducting the amount of tolls received on said road, then the said rail-road, with all fixtures and appurtenances, shall vest in and become the property of the people of this state.

**General powers.**

§ 17. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities

prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes, as are not repealed.

§ 18. The legislature may at any time hereafter alter, modify or repeal this act. Rights reserved.

## CHAP. 317.

*AN ACT to amend the Act relating to Common Schools.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All taxes directed to be raised by the act hereby amended, shall be collected in the manner prescribed in the second section of the act entitled "An act to amend the Revised Statutes relating to common schools," passed April 21st, 1831.

§ 2. So much of the eighty-eighth section of the Revised Statutes relating to common schools as directs the manner of enforcing the collection of a school tax, is hereby abolished.

## CHAP. 318.

*AN ACT to incorporate the Northwestern Insurance Company.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Robert White, Daniel Jackson, John S. Crary, John Jacob Astor, Henry Laverty, Henry Boraem, Francis B. Cutting, Daniel Le Roy, Francis Olmsted, Joseph L. Joseph, James G. King, William James, Philip Hart junior, Henry Beekman, Joshua Clibborn, Theophilus S. Morgan, George H. McWhorter, James W. Clark, Christian I. Buckle, and all such other persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name of "The Northwestern Insurance Company," to be located in the village of Oswego; and such corporation shall continue until the first day of January, one thousand eight hundred and fifty-seven. Corporation created.

§ 2. In addition to the powers and privileges of a corporation, as the same are declared in the third title of the first part

of the Revised Statutes, the corporation hereby created shall have power,

1. To make all kinds of insurance against fire, and to make marine insurance upon vessels engaged or employed in any lake, river or inland navigation, and upon all goods, wares and merchandize to be transported thereon, and upon freight, bottomry, respondentia interests, and all lake, river and inland navigation risks of every kind soever :

2. To loan money on bottomry, respondentia, and bonds and mortgages, and to charge such commission on the same as may be agreed on, and cause themselves to be insured against risks of every kind upon the interest acquired in the course of their business under this act.

**Stock.**

§ 3. The capital stock of the said corporation shall be one hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each.

**Subscriptions  
to stock.**

§ 4. Robert White, Daniel Jackson, Samuel Ward junior, Francis B. Cutting and Arthur Bronson, are hereby appointed commissioners to receive subscriptions to the capital stock in the city of New-York ; Joel Turrill, George H. McWhorter, Christian I. Buckle, T. S. Morgan and Henry Eagle, are hereby appointed commissioners to receive subscriptions in the village of Oswego ; and Millerd Fillmore, Henry Root and James Stryker, are hereby appointed commissioners to receive subscriptions in the village of Buffalo. And the said commissioners shall open books for the purpose of receiving subscriptions to the capital stock, on such day and at such places as they shall appoint, and shall give at least thirty days' previous notice of such time and place in one or more of the public newspapers printed in the several places above mentioned ; and if the whole of the capital stock be not taken up at the time appointed as aforesaid, the commissioners may receive further subscriptions on such other day or days as they shall from time to time appoint, until the whole capital stock of the corporation shall be taken up.

**Directors.**

§ 5. The stock and affairs of the said corporation shall be managed and conducted by thirteen directors, each of whom shall be a stockholder to the amount of at least five hundred dollars, a citizen of the United States, and a resident of this state ; they shall be elected on the second Monday in May in each year, at such time and place in the village of Oswego as the board of directors shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their place, and no longer ; and notice of the time and place of such annual election shall be published for the space of three weeks next preceding the same, in at least two of the public newspapers printed in the city of New-York, and in one published in Oswego ; and every such election shall be

held under the inspection of three or more stockholders in the said company, not being directors, to be previously appointed for that purpose by the board of directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share; and stockholders not personally present, may vote by proxy, such proxy being granted directly to the person representing them at such election.

§ 6. The directors elected shall, in a convenient time after their election, annually, choose out of their body a president; and in case of the death, resignation or absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide. President.

§ 7. All policies of insurance, and other contracts which are authorised by this act, that shall be made or entered into by the said corporation, may be either under or without the seal thereof, and shall be subscribed by the president, or such other officer or officers as shall be designated by the said corporation, and attested by the secretary thereof; and the assured may thereupon, in case of loss arising, maintain an action of debt, covenant or on the case against such corporation; all such contracts and policies as are authorised by this act, may be so made and attested, without the presence of the board of directors, by the president and assistant president, or by either of them with a director, or or by a committee of directors to be appointed for that purpose; and the acts of such president and assistant, or either of them with a director, or with such committee, if done under and in conformity to the by-laws of the said corporation, shall be binding and obligatory on the said corporation. Policies of insurance.

§ 8. It shall be the duty of the president and directors of the said corporation on the first Tuesday of January and July in each and every year, to make a dividend of so much of the surplus profits of the said corporation, as to them shall appear advisable; but in case of any loss or losses, whereby the capital stock of the said corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the said corporation shall have been added to the capital: and no dividend shall be made of any premium received by the said corporation for any contract of insurance, until the risk insured be terminated. Dividend;

§ 9. Before the said corporation shall assume any risk or transact any business, in pursuance of this act, the whole amount of one hundred and fifty thousand dollars shall be paid in, or shall have been secured to be paid, either in the stocks of the United States or the stocks of this state, or on the stock of Business when to commence.

any bank in this state, which shall be at par or above par in the market at the time; or in stocks of the corporation of the city of New-York, or upon bond and mortgage on unincumbered real estate in this state, of at least fifty per cent above the value for which the same shall be mortgaged, exclusive of buildings, unless the same shall be insured from loss by fire.

Real estate.

§ 10. The said corporation shall hold no real estate except such as may be requisite for the convenient transaction of its business, or such as may be bona fide mortgaged to the said corporation by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which it shall have obtained for such debts: and with regard to all such real estate as aforesaid, except such as may be necessary for its immediate accommodation, or such as shall be bona fide mortgaged as aforesaid, the said corporation shall be bound to dispose of the same within five years after the acquisition thereof; otherwise the same may be forfeited, and vested in the people of this state.

Deposition to be made.

§ 11. It shall not be lawful for the said corporation to commence any business under this act, until the president and secretary of the said company shall have made a deposition in writing, before any officer authorised to take affidavits to be read in the supreme court and filed in the office of the comptroller of this state, that the whole of the capital stock of the said corporation has been paid in or secured to be paid in according to the provisions of this act; and every wilful false swearing in the premises shall be subject to all the pains and penalties of perjury.

Statement of funds.

§ 12. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book, to be provided for that purpose, a full and true statement of the funds, property and securities of the said corporation, shewing the amount in real estate, in bond and mortgage, and the other securities thereof, and the amount of debts due to and from the said company; which statement shall be certified by the president and secretary, and shall be open to the inspection of every stockholder of the said company, during the usual hours of business in the office thereof, until the day of election; and in case the president and secretary shall refuse or neglect to prepare such statement, or to submit the same when required, they and each of them shall forfeit and pay to any person so requiring the inspection of such statement, and being or representing at the time of such neglect or refusal, a stockholder of the said company, the sum of one thousand dollars, to be sued for and recovered by such stockholder, to his own use, in any court having jurisdiction to that amount;

but such suit shall be commenced within thirty days after the annual election of directors of said company.

§ 13. The corporation created by this act, shall be subject to the operation of such of the provisions contained in the eighteenth chapter of the first part of the Revised Statutes as are not repealed. General provisions.

§ 14. The legislature may at any time alter, modify or repeal this act. Rights reserved.

## CHAP. 319.

AN ACT to incorporate the New-York City Marble Cemetery.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All such persons who now are or hereafter shall become owners and proprietors of vaults in the cemetery recently constructed in the interior of the block formed by the First and Second Avenues, and Second and Third-streets in the eleventh ward of the city of New-York, shall be, and hereby are created a body corporate and politic, in fact and in name, by the name and style of "The New-York City Marble Cemetery," and by that name they and their successors shall and may be known and have perpetual succession. Corporation created.

§ 2. The said cemetery and the several vaults therein shall, and may at all times hereafter, be used and appropriated for the interment of the dead, and for no other use or purpose whatever. The said vaults shall be deemed personal property, and shall not, in case where not more than one of them is owned by the same person or persons, be liable to taxation or sale on execution, or to be inventoried as assets applicable to the payment of debts; but every of the said vaults may be bequeathed by last will and testament, and in case of intestacy shall belong to the next of kin of the deceased; and no dead body shall be interred in any of the said vaults, except with the previous permission of the owner or owners thereof; but nothing in this act contained shall prevent the corporation of the city of New-York from enacting laws and ordinances for regulating or preventing the interment of the dead within said city, including the above described cemetery. Cemetery and vaults.

§ 3. The affairs and concerns of the said corporation shall be managed, regulated and conducted by five trustees, each of whom shall be an owner of one of the said vaults, and shall be Trustees.

chosen by ballot on the first Monday of May in each year, by the owners of the said vaults, and that at every such election each of the said vaults shall entitle the owner or owners thereof to one vote; and the five persons having the highest number of votes at any such election, shall be declared duly elected trustees for the next ensuing year, and until others shall be duly chosen in their places. And the five first trustees shall be Thomas Addis Emmett, Samuel Whettemore, Henry Boraem, Garret Storm and Evert A. Bancker, who shall hold their offices until the first Monday of May, in the year one thousand eight hundred and thirty-three, and until others shall be duly chosen in their places.

Expenses

§ 4. The said trustees shall have power, and are hereby authorised to raise by assessment upon the owners of the said vaults respectively, such sums of money as may be deemed necessary or proper to defray any and all expenses in and about the said cemetery; but the repairs to the said vaults respectively, shall be made at the proper costs and charges of the owners thereof, respectively, and pursuant to the order therefor, and according to the regulations of the said trustees.

Prior incumbrance.

§ 5. Nothing in this act contained shall be construed to impair or affect any previously vested right, lien or incumbrance by mortgage, judgment or otherwise, in favor of any third person or persons, to, in or upon the lands or real estate, or any part thereof, whereon the said cemetery is constructed, but every such right, lien and incumbrance shall remain unimpaired, and be of the same validity and effect as if this act had not been passed.

General powers.

§ 6. The said corporation shall possess the general powers, and be subject to the liabilities and provisions contained in title third of chapter eighteenth of the first part of the Revised Statutes.

Act to take effect.

§ 7. This act shall take effect from, and immediately after the passage thereof.

## CHAP. 320.

### AN ACT to incorporate the *Saratoga Turnpike Company*.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Corporation created.

§ 1. Moses Williams, Harvey Loomis, Ephraim Stevens, Canvass White and Nicholas B. Doe, and all such persons as shall associate with them for the purpose of making a good



and permanent turnpike road from the north end of the Watervliet turnpike to the inn of Ephraim Stevens, in the town of Clifton-Park, in the county of Saratoga, and from thence to the inn of James Jones, in said town of Clifton-Park, and from thence to some point in the village of Ballston-Spa, in said county, shall be, for the purposes mentioned, a body politic and corporate, in fact and in name, by the name of "The Saratoga Turnpike Company," and by that name they and their successors shall be capable of suing and being sued, answering and being answered unto, impleading and being impleaded, in all courts and places whatsoever.

§ 2. The said company shall have power to make and use <sup>Common seal.</sup> a common seal, to purchase and hold such real estate for the use of the corporation, and enter into such contracts as may be necessary to accomplish the purposes for which the said corporation is above stated to be created.

§ 3. At the time of subscription one dollar shall be paid to <sup>First payment.</sup> the said commissioners on each share subscribed, and any neglect or refusal to pay in the residue of the capital stock, according to the requirement of the said company, shall work a forfeiture to the company of all previous payments on the shares held by the stockholder or stockholders so neglecting or refusing.

§ 4. The stock of said company shall consist of three thou- <sup>Amount of stock.</sup> sand shares, of fifty dollars each; and Ephraim Stevens, Moses Williams, Harvey Loomis, Canvass White and Nicholas B. Doe, are hereby appointed commissioners to receive subscriptions for said stock, and a majority of them shall be competent for this purpose.

§ 5. The corporation hereby created shall possess the ge- <sup>General powers.</sup> neral powers and privileges, and be subjected to the liabilities of turnpike incorporations, as prescribed in the first title of the eighteenth chapter of the first part of the Revised Statutes of this state, except where the same may be contrary hereto.

§ 6. The said road shall be at least four rods wide, and <sup>Dimensions of road.</sup> eighteen feet of the width thereof shall be constructed in the manner of McAdamized roads, and as said company shall direct.

§ 7. The said company may erect one toll-gate on said <sup>Rates of toll.</sup> road, between the north end of the Watervliet turnpike and the Mohawk river, at which half tolls may be taken, and may also erect two gates between the said Mohawk river and the village of Ballston-Spa, on said road, on which the following whole tolls may be taken and received by the said company at each gate: For every score of sheep or hogs, six and a quarter cents; for every score of cattle, horses or mules, twenty cents, and in that proportion for any greater or less

number of sheep, hogs, cattle or mules ; for every horse and rider, three cents ; for every sulky, chair or chaise drawn by one horse, six and a quarter cents ; for every one horse wagon drawn by one horse, six and a quarter cents ; for every cart drawn by one horse, six and a quarter cents ; for every chariot, coach, coachee, phaeton or other pleasure carriage drawn by two horses, twelve and a half cents ; for every stage, wagon or other four wheeled carriage drawn by two horses, mules or oxen, twelve and a half cents ; for every cart drawn by two horses or oxen, six and a quarter cents ; and for every sleigh or sled drawn by one horse, mule or ox, three cents, and one cent for every additional horse, mule or ox ; for every wagon employed in the transportation of produce or merchandize, six and a quarter cents.

Gates.

§ 8. The said half-toll gate may be erected and half toll taken thereat, whenever and as soon as the said road shall be completed from the north end of the said Watervliet turnpike to the Mohawk river ; and wherever and as soon as the one-half of the remainder of the length of said road shall be completed, the said company may erect a whole toll gate thereon, and receive whole tolls as aforesaid ; and when the whole length of the road is completed and approved, according to law, the other toll gate may be erected and whole tolls taken thereat, as aforesaid.

Bridges.

§ 9. The said company shall have power to erect a bridge across the Mohawk river, at such place as the road hereby authorised to be constructed may cross the same : or the said company shall have power to make such arrangement and agreement with any incorporated company now owning a bridge across the said river, as to the parties contracting may seem proper.

Rights reserved.

§ 10. The legislature may at any time alter, modify or repeal this act ; and it shall be in force immediately on the passage thereof.

## CHAP: 321.

### AN ACT for the relief of Ruth Moor.

Passed April 26, 1859.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All the estate and interest of the people of this state to all that certain tract of land, situated in the county of Chenango, being the same that was conveyed by Orel Pond and Aurelia his wife to Richard Moor, by deed of conveyance

dated the seventh day of November, in the year of our Lord one thousand eight hundred and twenty-two, and recorded in the clerk's office of the county of Chenango, in book G. G. of deeds, at page four hundred and thirty-nine; having become escheated to this state in consequence of the alienage of Richard Moor deceased, is hereby released to, and vested in Ruth Moor, widow of the late Richard Moor, and to her heirs and assigns forever; subject to all legal claims or demands against the said Richard Moor, deceased.

## CHAP. 322.

### AN ACT to provide for the Classification of certain Justices of the Peace.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall and may be lawful for all such persons as were <sup>Sections in</sup> duly elected to the office of justices of the peace in the town <sup>Lyme</sup> of Lyme, in the county of Jefferson, on the fourteenth day of February last, and who have not determined by lot the class to which each of said justices shall belong and the term for which each of said justices shall serve, to determine the same by lot, in presence of the supervisor or town clerk of said town, within thirty days after the passage of this act, in the manner prescribed in article fourth, chapter fifth, title first of part first of the Revised Statutes.

§ 2. It shall be the duty of the supervisor of said town, <sup>Duty of supervisor of Lyme.</sup> within twenty days after the passage of this act, to give notice in writing to the justices so elected as aforesaid, and to the town clerk of said town, of the time and place where he will meet them to determine by lot the classes of such justices, which notice shall be served at least six and not more than twelve days previous to the time appointed therein for such meeting.

§ 3. Such determination, so made as aforesaid, shall be as <sup>Determination made valid.</sup> valid and effectual as if the same had been made within the time prescribed by the provisions of the Revised Statutes aforesaid.

§ 4. All proceedings which have been had before Daniel Holbrook and Samuel Lockwood, or either of them, as justices of the peace in and for the county of Jefferson, since the first day of January, one thousand eight hundred and thirty, shall be held and adjudged to be of the same force, effect and validity as if the said Samuel and Daniel had heretofore drawn according to law for their respective terms, and all liabilities and pe

nalties and forfeitures incurred by either the said Samuel or Daniel, for not having drawn as aforesaid, are hereby remitted.

Incumbent  
re-elected to  
hold four  
years

§ 5. Where two or more persons have been at the last election elected to the office of justice of the peace, the one of whom is the incumbent in the office whose term has not yet expired, the incumbent shall be considered as elected for four years from the first day of January thereafter, and the other person or persons shall be considered as elected to fill the vacancy or vacancies; and if they have not already drawn and qualified according to law, shall be permitted to do so within twenty days after the passage of this act.

When to  
take effect.

§ 6. This act shall take effect immediately after the passage thereof.

## CHAP. 323.

AN ACT to incorporate the Village of Gaines, in the County of Orleans.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Bounds of  
the village.

§ 1. All that district of country in the county of Orleans, and town of Gaines, contained within the following boundaries, that is to say: Beginning at the mile board on the Ridge road marked thirty-four miles from Rochester; thence running south half a mile; thence east, parallel with the Ridge road, one mile; thence north one mile; thence west, parallel with the Ridge road, one mile; thence south half a mile, to the place of beginning, shall hereafter be known and distinguished by the name of the village of Gaines, and the freeholders and inhabitants residing within the limits aforesaid, are hereby constituted a body corporate, by the name

Name.

§ 2. The said corporation shall have power to lay out, open and improve, ornament, construct and repair the highways, streets and side-walks in the same; to purchase and keep in repair one or more fire engines and other apparatus for extinguishing fires; to remove and prevent nuisances, and to make any necessary repairs and improvements for the benefit or use of said village, and to raise money by tax to be levied upon the real and personal property in said village, to carry into effect the above mentioned powers: but no tax

Streets, &c.

shall be raised without the consent of a majority of the voters present, at any legal meeting, duly notified, of the inhabitants of said village, qualified to vote.

§ 3. It shall be lawful for the inhabitants of said village, <sup>Meetings.</sup> qualified to vote at town-meetings, to meet on the last Monday of May next, at such time and place in such village as shall be appointed by some justice of the peace of the county of Orleans, and notified to the inhabitants of said village at least three days previous thereto, by notice to be inserted in a newspaper printed in said village, or posted in three public places in the same, and then and there elect five freeholders of said village, to be trustees thereof, three assessors, one clerk, one treasurer, one collector, one pound keeper, one overseer of highways for each and every road district within said village; and one constable of said village, resident within the same; and such justice shall preside at such meeting, and declare the persons having the greatest number of votes duly elected to the several offices aforesaid; and in like manner, on the first Monday in May in each year thereafter, there shall be an annual election of the officers of said village above specified; and the trustees for the time being shall notify the time and place for holding such meeting, and preside at such elections; and the several officers aforesaid shall hold their offices until the first Monday in May next after their election, and until others are elected in their steads, and have taken their oaths of office required by this act. And in case, by any cause whatsoever, such officers, or any of them, shall not be chosen on the day herein appointed for the same, the corporation of the village shall not be dissolved, but it shall be lawful for the inhabitants of said village, on some other day, to be notified by the trustees for the time being aforesaid, to elect any or all of the officers aforesaid, not before chosen in manner aforesaid.

§ 4. The said trustees, assessors, clerk, treasurer, overseers <sup>Officers to</sup> of highways, pound keeper, constable and collector, and all <sup>take oaths.</sup> other persons elected or appointed to office by the board of trustees of said village, shall, within ten days after each and every election and appointment, and before they proceed to execute the duties of their respective offices, take and subscribe an oath or affirmation before any justice of the peace in said county, for the faithful execution of the trust or office to which they may be severally chosen or appointed.

§ 5. The treasurer, constable and collector shall, before <sup>Treasurer, &c to give</sup> they enter on the duties of their offices, respectively give such <sup>bond.</sup> bond, with one or more surety, to the trustees of said village, for the faithful performance of the trust reposed in them, as the majority of said trustees shall deem sufficient.

President.

§ 6. The trustees of said village, within ten days after their election in each and every year, shall choose and appoint some one person of their body to be president of said board of trustees, whose duty it shall be, when present, to preside at the meetings of the trustees, to order extraordinary meetings of said trustees whenever he shall think proper, to receive complaints of the breach of any of the laws, to see that the by-laws, rules and regulations, and ordinances are duly executed and observed, and to prosecute in the name of the trustees of the village of Gaines, all offenders against such by-laws, rules, regulations and ordinances, and to do such other acts and things as may be proper for him as president of the board of trustees to do; and in case of the death, or disability, or refusal to serve of said president, the said trustees shall proceed to choose out of their body a successor, in manner above mentioned.

Clerk.

§ 7. It shall be the duty of the clerk herein before mentioned, who is hereby constituted by virtue of his office, clerk of the board of said trustees, to keep a record of their doings, especially of the passing of by-laws, rules and regulations; and the said clerk shall, within ten days after the passing of any such by-laws, rules and regulations, put up in three public places in said village, or insert once, at least, in the newspaper printed in said village, a copy thereof: and further, it shall be the duty of the clerk to keep a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, in a book to be provided by him for that purpose.

Vacancies.

§ 8. In case of a vacancy by death, removal or refusal to serve of any of the officers elected, chosen, appointed or otherwise created by virtue of this act, it shall be the duty of the board of trustees, by a warrant under the hand of a majority of them, to appoint some suitable person to fill such vacancy, and the person so appointed shall have like powers and be subject to the same restrictions as if elected or appointed in the manner aforesaid.

Pay of officers.

§ 9. The said clerk, treasurer, assessor and collector, and all officers appointed by said trustees, shall be paid such compensation as a majority of said trustees shall provide by a by-law for that purpose.

By-laws.

§ 10. It shall be lawful for the trustees of said village to make and publish such by-laws, rules and regulations, not repugnant to the laws of this state, as they from time to time shall deem proper in relation to the streets, alleys, highways and side-walks of the said village; to slaughter-houses and nuisances generally; to firing guns and fire-works in the said village; to running horses in the same; to lighting the streets in said village; to restraining geese, swine or any kind of animals from running at large in the streets; to the inspection of

weights and measures; to keeping and regulating hay-scales; to public markets; to a common pound; and the safe deposit of ashes; to keeping fire-buckets, hooks and ladders, and assisting to extinguish fires; to the suppression of vice and immorality; to the preventing of billiard tables, theatres or theatrical or other performances, and exhibition of wax figures, wild animals, mountebanks, and all other shows, exhibited by common show-men; to restraining beggars, mendicants, street beggars or persons soliciting alms, and all persons from harrying them; to restraining any riot, rout, noise, disturbance or disorderly assemblages, in any street or place in said village.

§ 11. The said trustees, as often as they shall make or publish any by-laws, rules or regulations for the purposes aforesaid, may ordain and provide such reasonable fines, forfeitures and penalties upon the offenders against any such by-laws, as they shall think proper, not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, by the trustees in the corporate name of the said corporation, to and for the use of the said corporation: in all cases it shall be deemed sufficient for said trustees in any suit or actions to be brought for any such fines, penalties or forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Gaine in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed and are hereby declared to be competent to give testimony in any cause, and the justices in said village to try any cause, and the constables residing in said village to serve jury or other process, in any cause wherein the said trustees are a party, notwithstanding any remote interests they may have as members of such corporation. Fines, &c.

§ 12 The said trustees, as often as they shall make and publish any by-laws for restraining animals, may ordain that such animals may be seized and impounded, and after reasonable delay, may be sold at public vendue to pay pound fees. Pound.

§ 13. All monies raised by tax in said village, shall be assessed upon the inhabitants by three assessors, who shall be freeholders in said village, and collected by the collector of the corporation, in like manner as the taxes of counties and towns are collected, by virtue of a warrant to him directed by the said trustees; but no tax during one year shall be levied as aforesaid, without the consent of a majority of the voters present at any legal meeting of the inhabitants liable to be taxed, who are qualified to vote for officers in said corporation, which shall exceed the sum of one hundred and fifty dollars, unless Taxes.

such tax shall be levied for the purpose of procuring fire engines, hooks, ladders and other necessary utensils for the extinguishment of fires; and no purchase or sale of any real estate made, and no public building erected or disposed of by the said corporation, with the freeholders and taxable inhabitants of said village, in open meeting duly warned, first had and expressed, by a majority of votes then and there given: and in case they shall vote to raise any money for the purposes aforesaid, it shall be specified for what purposes such sums, or any part thereof, shall be appropriated, as far as may be convenient; and the assessors in assessing the same on the inhabitants and property of said village shall apportion the sum in a just and equitable manner, in proportion as near as may be to the advantages each may be deemed to have received by the improvements or purchases to be made with such money when collected.

Property to  
be taxed.

§ 14. No lands within the bounds of the village, nor their appurtenances, (dwelling-houses excepted,) shall be taxed for the benefit of the village, only such as lie within twenty rods on each side of the ridge-road, except in relation to the streets and highways running through and adjoining the same.

Notice of  
assessment.

§ 15. The said assessors when they have completed any such assessment, shall give the like notice of the same as assessors of towns are required to do; and any person considering him or herself aggrieved thereby may appeal from said assessors to the trustees of the village, who shall hear such appeal, and do justice in the premises; and in case either party shall conceive themselves aggrieved by such decision, it shall be lawful for him or them to appeal to the next court of common pleas, to be holden in and for the county of Orleans, giving three days' notice of such appeal, whose decision shall be final in the premises.

Persons liable  
to pay tax.

§ 16. The person or persons in possession of any personal or real estate in the village of Gaines, at the time any tax shall be assessed, shall be liable to pay the amount assessed thereon; and in case such person or persons are not bound by contract or otherwise to pay the same, he or she may recover the same, or any part thereof, in an action for money paid, laid out and expended, of and from the owner of such estate, or such other person, whose duty it was to have paid the said tax or any part thereof.

Collector's  
duty.

§ 17. The collector shall, within such time as shall be specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer; and all monies in the hands of the treasurer shall be liable to be drawn out by the trustees and applied to, and disposed of by them for the benefit of said village, according to



the provisions of this act; and it shall be lawful for said trustees to issue new warrants, or to renew those which may be issued by them, or their predecessors, for the collection of any taxes imposed by virtue of this act, from time to time, so often as such warrants shall not be returned collected, during the time prescribed by law, and at their discretion to remit any penalty or forfeiture by reason of the breach of any by-law of said village.

§ 18. The pound keeper hereafter to be chosen in and for <sup>Pound keeper</sup> said village, shall have the same power and authority, and be subject to the same duties in said village, as by law appertain and belongs to pound keepers chosen for the several towns in said county.

§ 19. The said village of Gaines shall be a road district, <sup>Road district</sup> subject to be divided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Gaines, in the county of Orleans, and the said trustees of the village of Gaines shall have the same power over the said road district, and discharge all the duties which by law are given and enjoined upon commissioners of highways, and shall be subject to like restrictions and appeals; and the overseers of highways elected or appointed by the trustees under this act, shall have all the powers and discharge all the duties in their several districts which by law are given to or enjoined upon other overseers of highways, giving in their lists, and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do, to the town clerk and to the commissioners of highways.

§ 20. Any person who shall be elected to any office created by this act, and shall refuse to accept the same, or shall neglect to take the requisite oath within the time above limited, shall forfeit and pay the sum of five dollars, to be recovered and applied as others are by law recovered and applied. <sup>Penalty.</sup>

§ 21. It shall be the duty of said trustees, and they are <sup>Firemen.</sup> hereby authorised and empowered to appoint, under the hands of the president and clerk of the board of trustees, and seal of said corporation, a company of firemen, not exceeding twenty-five, and the whole or any part of them to remove at their pleasure, and appoint others in their stead, whose duty it shall be to have the management, working and use of the engines belonging to said village, and the other implements for extinguishing fires, under the orders of the trustees, acting as fire wardens, and that the firemen so to be appointed shall be free from the performance of all military duty, except in case of war, insurrection or rebellion.

Rights  
reserved

§ 22. The legislature may at any time amend, alter or repeal this act; and the same shall take effect immediately after its passage.

## CHAP. 324.

AN ACT for the relief of Darius Egglestone.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be the duty of the canal board to account and settle with Darius Egglestone for any work and labor done by him upon the Erie canal, for which no estimate was made by the engineer, and for which no compensation has been allowed to him, and to ascertain the amount equitably due to him, if any, and pay the same to him out of the canal fund.

## CHAP. 325.

AN ACT to incorporate the Village of Pulaski, in the County of Oswego.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Bounds of  
village.

§ 1. All that territory in the town of Richland, in the county of Oswego, contained in the following limits, to wit: commencing at a stake standing on the east line of the Salina road, one hundred and eighty rods south of the south end of the bridge over Salmon river, and runs from thence west one hundred and thirty rods; thence north three hundred and twenty rods; thence east three hundred and twenty rods; thence south three hundred and twenty rods; and thence west one hundred and ninety rods, to the place of beginning, shall hereafter be known by the name of "The Village of Pulaski."

Meeting to  
choose offi-  
cers.

§ 2. The inhabitants residing in said village, qualified to vote at town-meetings, may assemble on the first Monday in June next, at two o'clock in the afternoon, at the court-house in said village, and then and there elect by ballot, five discreet freeholders, residents of said village, to be trustees thereof, designating one of them as president, one clerk, three assessors, one collector and one treasurer, who shall likewise be residents of said village: and the justice or justices of the peace residing in said village, shall preside at said meeting, and shall

declare the several persons having the greatest number of votes to be duly elected as such officers ; and on the first Monday of April in each year thereafter, there shall be an annual election of said officers at such place and hour of the day as shall be designated by the trustees of said village, by a notice to be published in a public paper printed therein, at least six days before said election, or by setting up written notices in three public places in said village. And the trustees may call special meetings of the inhabitants of said village in the same manner, by specifying the time, place and objects thereof, at least ten days before such meeting.

§ 3. The inhabitants residing in said village shall be a corporation by the name of "The Village of Pulaski;" and the trustees may provide and keep a common seal, and may alter the same at their pleasure ; and may purchase, take, hold and convey real estate for the said village ; but no purchase or conveyance of real estate shall be made except in compliance with a vote of the inhabitants thereof in a legal meeting assembled.

Corporation created.

§ 4. All officers elected or appointed in and for said village, shall, within ten days thereafter, give notice in writing of their acceptance to the clerk thereof, who shall file the same. The collector and treasurer shall severally give such security for the faithful performance of the duties of their offices as the trustees shall prescribe.

Officers to notify their acceptance.

§ 5. The clerk shall keep all books, papers and records belonging to said corporation, and record the proceedings of all village meetings and of the trustees ; and in the absence of the clerk, the trustees may appoint any other person to perform his duties during such absence. The trustees shall have stated meetings, but any three trustees may call a special meeting by a notice to the others. All complaints and petitions shall be presented in writing to the trustees.

Clerk's duty.

§ 6. The inhabitants of said village liable to pay taxes assessed upon their real or personal property, may, at their annual meeting, or at a special meeting called for the express purpose, vote to raise by tax for the contingent expenses of said corporation, or for any village purpose or improvement, such sum or sums of money as they may think proper, not exceeding one hundred dollars in any one year.

Taxes.

§ 7. The assessors shall, within thirty days after any tax shall have been voted as aforesaid, assess the same, together with five cents on each dollar for collector's fees, upon the real and personal property in said village, owned by the taxable inhabitants thereof, including the real estate owned by non-residents when occupied by a resident inhabitant, which occupant shall be assessed for the same, and the amount of the tax

Assessors.

so assessed and paid by him shall be a legal payment of so much rent to the owner of the said real estate. And in levying a tax for any specified purpose, the assessors shall have reference to the advantage to be derived from the application of said tax by the several owners of the property in making their assessment.

To give notice.

§ 8. The assessors shall proceed in the same manner in making their assessments, except as directed in the last section, give the like notice, and have the same power in making corrections, as assessors in towns. When the assessment is completed they shall deliver two certified copies thereof to the clerk, one of which he shall file, and to the other the president shall affix a warrant, under his hand and corporate seal, directed to the collector, requiring him to collect the tax therein named within thirty days, and to pay the same when collected to the treasurer, after deducting his fees. The president may renew such warrant from time to time for the collection of any part of such tax remaining unpaid.

§ 9. The collector shall have the same powers and be subject to the same liabilities as collectors in towns.

By laws.

§ 10. The trustees may make and publish such by-laws, rules and regulations, and alter, modify and repeal the same, as they may from time to time deem necessary or beneficial for said village, particularly in relation to the highways, streets, side-walks and public squares, and keeping the same free from obstructions and nuisances, and to determine what are such nuisances; to restrain cattle, sheep, swine and geese from running at large; to regulate slaughter-houses, and nuisances generally, and to remove, destroy or prevent the same; to establish and maintain a common pound, and to make such rules and regulations for impounding animals as they may think proper; to erect, keep in repair and regulate hay-scales and markets in said village; to compel the keeping of fire-buckets by the householders of said village; to appoint, by writing under the seal of the corporation, a proper number of firemen, not to exceed twenty-four, and to remove any one of them and to appoint another in his stead; to make all necessary rules and regulations for the government, exercise and duties of said firemen. Such firemen shall be exempt from serving in the militia, except in cases of war or insurrection. And the said trustees may enforce obedience to all such by-laws, rules and regulations, by penalties not exceeding five dollars for each violation.

Fire-places,  
&c.

§ 11. The trustees, or any two of them, shall have power, and they are hereby authorised, whenever they shall think the public safety requires it, to enter into and upon the premises of any inhabitant of said village, and to examine any fire place, chimney, stove, ash-house or other place where they shall ap-

prehend there is danger that fire may be communicated to any building, and to tear down, remove or alter the same at the expense of the occupant, so far as they shall believe the public safety requires it.

§ 12. All penalties may be sued for before any justice of the peace, by the trustees in the name of the corporation, in an action of debt, in which the pleadings may be general, and any proper special matter may be given in evidence; and no inhabitant of said village shall, for that cause, be disqualified to act as justice, juror, witness or constable on the trial of any such cause. The trustees may remit penalties wholly or in part. All penalties when collected shall be paid into the treasury of said village for the use thereof. Fines how collected.

§ 13. The said village shall be one or more road districts, and exempt from the superintendence or control of the commissioners of highways of the town of Richland, excepting the road on the south side of Salmon river, running from Salina-street to the west bounds of the village, and also the bridge over Salmon river, which shall severally continue under the care and superintendence of the said commissioners in all respects as though this act had not been passed: and the trustees of said village shall be commissioners of highways therein, and shall possess all the powers and be charged with all the duties of commissioners of highways in towns; and in their warrants to the overseers, may direct what portion of the labor shall be performed in making or improving the side-walks or cross-walks in their districts, and the place and manner of doing the same. Road districts.

§ 14. At every annual meeting there shall be elected as many overseers of highways as there are road districts in said village, who shall severally possess all the powers and be charged with all the duties of overseers of highways in towns, and make their returns to the clerk. Overseers of roads.

§ 15. Every person neglecting or refusing to accept of the office to which he has been elected, within the time and in the manner above specified, shall forfeit the sum of five dollars, and such office shall be deemed vacant. Penalty.

§ 16. Vacancies in the office of trustees may be supplied at a special meeting of the village, and the trustees shall fill all vacancies that may occur in the other offices. All officers elected or appointed by virtue of this act may hold their offices until the next annual meeting, and until others who shall be elected or appointed in their stead shall have filed their acceptances. Vacancies.

§ 17. The treasurer shall pay out all moneys in his hands upon the order of the trustees. And the trustees shall exhibit at every annual meeting a full account of all the receipts and ex- Treasurer.

penditures of the preceding year, and an estimate of the sums deemed necessary to be raised the ensuing year, which account and estimate shall be filed by the clerk.

Pay of officers.

§ 18. The several officers created by this act may receive such compensation, not exceeding one dollar per day for their services, as the inhabitants of said village, at an annual meeting, may direct.

Rights reserved.

§ 19. The legislature may at any time alter, modify or repeal this act.

When to take effect.

§ 20. This act shall be in force and take effect on its final passage.

## CHAP. 326.

AN ACT to amend the Charter of the College of Pharmacy, in the City of New-York.

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Qualification of apothecaries.

§ 1. From and after the first day of January, one thousand eight hundred and thirty-five, no person shall be allowed to commence or practise the business of an apothecary in the city of New-York, without having previously attended two or more courses of the lectures, and passed the examination required by the charter of the College of Pharmacy in said city, and obtained its diploma, or unless furnished with a diploma from some other regularly constituted college of pharmacy or medicine, or shall have passed an examination of the censors of the medical society of one of the counties of this state, and furnished by such censors with a certificate of his qualifications for the business of an apothecary.

Penalty.

§ 2. Any person offending against the provision of this law shall be subject to a penalty of fifty dollars, which may be sued for in the name of the College of Pharmacy of the city of New-York, and on conviction, the proceeds of said fine shall be paid over to and for the support of said college.

Saving clause.

§ 3. This law shall not apply to persons who are now engaged in said business, nor to the preparation and dispensing of medicines by licensed physicians.

## CHAP. 327.

AN ACT to amend an Act entitled "*An Act to incorporate the Rensselaer School.*"

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. After the twenty-third day of October next, the trustees of the Rensselaer school shall have power, if the patron of said school, Stephen Van Rensselaer, shall consent thereto, to remove said school to the present site of the Greenbush and Schodack Academy, in the town of Greenbush, in the county of Rensselaer, and with the consent of the trustees of said academy to unite said school therewith; which united institution shall constitute an experimental and classical school, to be denominated the Rensselaer Institute.

§ 2. If said trustees of the Rensselaer school, on account of the objections of said patron, or of the trustees of said academy, shall not remove said Rensselaer school to the site of said academy, the trustees of the Rensselaer school, with the consent of the said Stephen Van Rensselaer, shall have power to remove said school to any place of location within the county of Rensselaer, and to constitute the same an experimental and classical school, to be denominated the Rensselaer Institute.

## CHAP. 328.

AN ACT to incorporate the *Jack Spring Water Works Company.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate, by the name and description of "*The Jack Spring Water Works Company,*" to be located in the city of Schenectady. Corporation created.

§ 2. The said body corporate is constituted for the purpose of supplying the city of Schenectady with good and wholesome water, and for making cisterns and fire stops for the extinguishment of fire. To supply water.

**Stock.** § 3. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each ; and the said company shall have power to demand and enforce the payment by law, of every sum of money subscribed to the stock of said company.

**Calls on stockholders.** § 4. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, under the penalty of forfeiting their respective shares and all previous payments thereon, for the use and benefit of said company.

**Subscription to stock.** § 5. John I. De Graff, Henry Peek, Richard Fuller, Jonathan Crane and David Burt, are hereby appointed commissioners to receive subscriptions to the said capital stock.

**Where to be opened.** § 6. The commissioners shall open a subscription book for the said stock on such day and at such place in the city of Schenectady as they shall appoint, and shall give at least fourteen days' previous notice of such time and place, in the newspapers published in the said city.

**Apportionment of stock.** § 7. The commissioners may, from day to day, continue to receive further subscriptions, until the whole capital stock shall be taken up; and in case there should be subscriptions to more than the amount of such stock, it shall be the duty of such commissioners to apportion the same among the subscribers thereto, in such manner as they shall deem most advantageous to the interests of said company.

**First election.** § 8. The first election of directors shall be held at such time and place in the said city, as shall be directed by the commissioners herein before appointed ; and the directors then to be elected, shall hold their offices until the first Monday of January, one thousand eight hundred and thirty-three.

**Directors.** § 9. The affairs and concerns of said company shall be conducted by seven directors, being stockholders and residents of the city of Schenectady, who shall be elected on the first Monday of January of every year, at such place within said city as a majority of the directors for the time being shall, by resolution to be entered in their minutes appoint, and shall hold their offices one year, and until others are elected in their stead.

**Public notice of election.** § 10. Public notice of every election under this act, shall be given by the directors not less than fourteen days' previous to the time of holding such election, by an advertisement to be inserted in the newspapers printed in the city of Schenectady ; and such election shall be holden under the inspection of two stockholders, to be appointed by the directors for the time being, and shall be made by ballot, by a plurality of votes, at-



lowing one vote for each and every share ; and the stockholders not present, may vote by proxy.

§ 11. The directors of said company shall have power, from Officers.  
time to time, to appoint so many officers, clerks and servants,  
for carrying on the business of the company, and with such  
compensation as to them shall seem meet.

§ 12. The directors for the time being, shall also have By-laws.  
power to make and prescribe such by-laws, rules and regula-  
tions as they may deem necessary to promote and accomplish  
the objects of the company ; and that they may take all proper  
and necessary measures to prevent injuries to their conduits,  
or the drawing of water therefrom, and shall have power to  
impose penalties for the infractions of said by-laws and regula-  
tions, not exceeding one hundred dollars ; and that such pen-  
alty may be recovered in any of the courts of this state, ac-  
cording to their respective jurisdictions, in an action of debt ;  
but the company shall at no time exact higher rates for the  
use of their water than will be sufficient to pay them an an-  
nual dividend of nine per cent, over and above all expenses.

§ 13. The said company shall have power to enter upon and To use Clove  
take possession of the Clove stream, formerly called the Cow- stream.  
Horn mill stream, the Jack spring, and the Sweet hill  
creek, and to take therefrom sufficient quantity of water for  
the purposes of the company.

§ 14. The said company shall also have power to lay any Conduits.  
number of conduits, necessary for carrying water from said  
springs or streams of water through any intermediate lands to  
any part of the city of Schenectady, by paying the owner or  
owners of such land the value therefor, to be ascertained as  
hereinafter directed.

§ 15. In case there should be any disagreement as to the Damages  
compensation which such owner or owners ought to receive how to be  
for damage done to his or their lands, then and in such case, it assessed.  
shall be lawful for the mayor and common council of said city,  
or one or more of the judges of the Schenectady common  
pleas, upon the application of either of the directors, or the  
person claiming damages, and after ten days notice of such  
application given to the adverse party, to appoint three disin-  
terested persons, being freeholders, to appraise such damages ;  
who shall report to the said mayor and common council or said  
judges, such appraisement in writing, which report shall be  
filed in the clerk's office of the county of Schenectady ; the  
company shall not enter or take possession of any lands or  
streams of water, until they shall have paid the amount of  
damage so appraised as aforesaid.

§ 16. The said company shall have power to lay their con- Streets, &c.  
duits under the surface of any of the streets or highways in

the said city, leaving such streets and highways in as good condition as they were before such conduits were laid.

General provisions.

§ 17. The said company shall be subject to the provisions contained in the third and fourth titles of the eighteenth chapter of the first part of the Revised Statutes.

## CHAP. 329.

*AN ACT to divide the Town of Middlesex, in the County of Yates.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

Town of Potter erected.

§ 1. From and after the first day of April next, all that part of the town of Middlesex, in the county of Yates, known as a part of said town, beginning at the north line of said town, on the west line of the east lot of farm number twelve, in the sixth range of farms in said town; thence running south on the line of farms to the town of Jerusalem, in said county; which east part shall be erected into a separate town, to be known by the name of Potter; and the first town-meeting for the election of town officers, shall be held at the dwelling-house of Ebenezer Finch, in said town, on the first Tuesday of April next.

Middlesex to remain.

§ 2. The remainder of said town shall be and remain a separate town by the name of Middlesex, and the first town-meeting for the election of town officers shall be held at the now dwelling-house of Henry Overacker.

Funds, &c.

§ 3. After the first town-meeting of the said towns of Middlesex and Potter, the supervisors and overseers of the poor of the aforesaid towns, shall meet together, due notice being first given by the said supervisors for that purpose, and divide the money and poor belonging to said town of Middlesex previous to its division, according to its last tax list of the resident inhabitants of said town.

**CHAP. 330.**

**AN ACT** *to extend for a limited period, the Charter of the Alleghany Coal Company.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The act entitled "An act to incorporate the stockholders of the Alleghany Coal Company," passed April 12, 1813, is hereby continued in force for the term of twenty years, from the twelfth of April, one thousand eight hundred and thirty-three. The said corporation shall be subject to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, from and after the twelfth day of April, one thousand eight hundred and thirty-three; and the legislature may at any time alter, modify or repeal this act.

**CHAP. 331.**

**AN ACT** *to amend an act entitled "An Act to incorporate the Greenbush and Schodack Academy."*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. Each member of the corporation created by the act hereby amended, shall be entitled to one vote, in the choice of trustees or other officers to be chosen by them under the said act, for every share of twenty-five dollars for which he shall be the holder.

**CHAP. 332.**

**AN ACT** *for the payment of certain Officers and Expenses of Government.*

Passed April 26, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. There shall be paid by the treasurer, on the warrant of the comptroller, a sum not exceeding one thousand dollars for Additional clerk hire for the comptroller's office, for the current year, in office.

addition to the permanent appropriation for that object, now existing by law; and the said money, or so much thereof as it shall be necessary to expend, shall be drawn, expended and accounted for in the same manner that other moneys are directed by law to be drawn, expended and accounted for, which are appropriated for clerk hire for the same office.

Allowance to  
secretary for  
money paid  
to T. Trenor.

§ 2. The treasurer shall pay, on the warrant of the comptroller, to Azariah C. Flagg, secretary of state, twenty-nine dollars, being the amount due to James Trenor, deceased, for his services as a clerk in the secretary's office, from the first to the eighteenth day of October, one thousand eight hundred and thirty-one; and which amount was paid by the said secretary to Thomas Trenor, the brother and heir of the said James Trenor, deceased.

James D.  
Scollard.

§ 3. There shall be paid to James D. Scollard, sergeant-at-arms, for expenses in summoning witnesses in the matter of Jacob Trumpbour, the sum of fifty-two dollars and fifty cents; also to Alonzo Crosby, door-keeper, the sum of seventy-one dollars and thirty-five cents, for his expenses for similar services.

Superinten-  
dent of the  
capitol.

§ 4. There shall be paid annually to the superintendent of the Capitol, in quarterly payments, the sum of one hundred dollars, by the treasurer, on the warrant of the comptroller, from the first of May, eighteen hundred and thirty-one.

James Van  
Ingen.

§ 5. The treasurer shall pay, on the warrant of the comptroller, to James Van Ingen, such sum as shall be certified to be due him, by the secretary of state, for completing the translation of the Dutch records, not exceeding the rate of allowance made to Francis A. Van Der Kemp, for similar services.

Expense of  
certain boxes

§ 6. The treasurer shall pay, on the warrant of the comptroller, to the secretary of state, forty-one dollars, being the amount of expenses incurred by him for boxes, and other expenses in arranging the papers in the assembly chamber.

Clerks of Se-  
nate and As-  
sembly.

§ 7. There shall be paid to each of the clerks of the senate and assembly, three hundred and fifty dollars for extra engrossing during the present session, and fifty dollars to each of their deputies, not exceeding three each, for their attendance during the present session.

Oliver Scovil

§ 8. There shall be paid by the treasurer, on the warrant of the comptroller, to Oliver Scovil, the sum of thirty-nine dollars, for his services thirteen days as sergeant at arms.

Nathan Wil-  
liams.

§ 9. The treasurer shall pay to Nathan Williams, on the warrant of the comptroller, at and after the rate of five dollars per day for each day he has been engaged in going to, attending and returning from a circuit heretofore held by him in virtue of an act entitled "An act for a special circuit court in the county of Oswego," passed January 25th, 1832.

§ 10. The treasurer shall pay, on the warrant of the comptroller, to the legal representative of John Walker, late a member of assembly from the county of Clinton, such compensation as he would have been entitled to had he survived until the termination of the present session. John Walker's representative.

§ 11. The treasurer shall pay, on the warrant of the comptroller, the sum of one hundred and forty-two dollars, which amount shall be placed at the disposal of the adjutant-general for the purpose of paying expenses incurred for the preservation of a quantity of books received from the secretary of war of the United States, in relation to militia exercise, and also for the expense of distributing said books to the militia of the state. Adjutant-General.

§ 12. The treasurer shall pay, on the warrant of the comptroller, to Pomeroy Jones, sergeant of arms for the house of assembly, for the year one thousand eight hundred and thirty-one, twelve dollars in full for his services as such at the close of the last and the commencement of the present session. Pomeroy Jones.

§ 13. There shall be allowed to the chancellor and justices of the supreme court, the same compensation for their travel and attendance as members of the court for the correction of errors, during the recess of the legislature, as is allowed by law to the members of that court. Chancellor and justices of the supreme court.

§ 14. The treasurer shall pay, on the warrant of the comptroller, to Amos Andrews and Benjamin Vernor, the same allowance for each day's attendance on the extra session of the court for the correction of errors, during the last year, as was paid them for their attendance on the last session of the legislature. A. Andrews and B. Vernor.

§ 15. The treasurer shall pay, on the warrant of the comptroller, to Abraham Bulsom, one dollar a day for each day that he has been employed in cleaning snow from and keeping the walks around the Capitol in order, during the present session of the legislature. Abraham Bulsom.



**CONCURRENT RESOLUTIONS**  
**OF THE**  
**SENATE AND ASSEMBLY.**

---

**STATE OF NEW-YORK.**

*In Assembly, January 27, 1832.*

*Resolved*, (if the senate concur,) That the senators be instructed, and the representatives from this state in the congress of the United States be requested to use their exertions so to modify the pension law, as to admit of all persons who have served during the revolutionary war for three months or more in continuance, whether of the regular army or of the militia, or whether of the line of the army or attached thereto as guides, expresses, boatmen, artificers or teamsters, or the widows of such persons, to have their names inscribed on the pension roll of the United States.

*Resolved*, (if the senate concur,) That the secretary of state be directed to forward to each senator and representative in congress, a copy of the foregoing resolution.

By order,

FRANCIS SEGER, *Clerk.*

**STATE OF NEW-YORK.**

*In Senate, March 10, 1832.*

*Resolved*, That the senate do concur with the assembly in their said resolution.

By order,

JOHN F. BACON, *Clerk,*

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**STATE OF NEW-YORK.**

*In Assembly, February 10, 1832.*

*Resolved*, That the following amendment to the constitution of this state be proposed and referred to the legislature

next to be chosen, and that the secretary of state cause the same to be published in one newspaper in each of the counties of this state, if there be one printed therein, for three months previous to the next annual election, in pursuance of the provisions of the first section of the eighth article of the said constitution.

At the end of the tenth section of the fourth article of the said constitution, add the following words: "Except in the city of New-York, in which city the mayor shall be chosen annually by the electors thereof qualified to vote for the other charter officers of the said city, and at the time of the election of such officers."

By order,  
CHA'S L. LIVINGSTON, *Speaker*.

Attest,  
FRANCIS SEGER, *Clerk*.

### STATE OF NEW-YORK.

*In Senate, April 12, 1832.*

*Resolved*, That the senate do concur with the assembly in said proposed amendment, a majority of all the members elected to the senate voting in favor thereof.

EDWARD P. LIVINGSTON, *President*.

Attest,  
JOHN F. BACON, *Clerk*.

### STATE OF NEW-YORK.

*In Assembly, February 10, 1832.*

*Resolved*, That the following amendment to the constitution of this state, be proposed and referred to the legislature next to be chosen, and that the secretary of state cause the same to be published in one newspaper in each of the counties of this state, if there be one printed therein, for three months previous to the next annual election.

That the duties on the manufacture of all salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen, and by the tenth section of the seventh article of the constitution of this state, may at any time hereafter, be reduced by an act of the legislature of this state, but shall not, while the same is appropriated and pledged by the said section, be reduced below the sum of six cents upon each and every bushel, and the said duties shall remain inviolably appropriated, and applied as is provided by the said tenth section.



## CONCURRENT RESOLUTIONS.

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And that so much of the said tenth section of the seventh article of the constitution of this state, as is inconsistent with this amendment, be abrogated.

CHA'S L. LIVINGSTON, *Speaker*.

Attest.

FRANCIS SEGER, *Clerk*.

### STATE OF NEW-YORK.

*In Senate, February 24, 1832.*

*Resolved*, That the senate do agree to the said resolution, a majority of all the members elected to the senate voting in favor thereof.

EDW'D P. LIVINGSTON, *President*.

Attest.

JOHN F. BACON, *Clerk*.

---

### STATE OF NEW-YORK.

*In Senate, March 16, 1832.*

*Resolved*, (if the assembly concur) That the secretary of state, in addition to the extra copy of the Revised Laws, already forwarded to the secretary of state of the United States, be and he is hereby authorised to forward to the secretary of state of the United States annually hereafter, one additional copy of the Session Laws, for the use of his department, and one copy of the Journals and Documents of the two houses, for the use of the library of congress.

By order,

JOHN F. BACON, *Clerk*.

*In Assembly, March 16, 1832.*

*Resolved*, That this house do concur with the senate in their said resolution.

By order,

FRANCIS SEGER, *Clerk*.

---

### STATE OF NEW-YORK.

*In Senate, March 16, 1832.*

*Resolved*, (if the assembly concur,) That the secretary of state be directed to deliver to the clerks of the senate and assembly, a number of copies of the Revised Statutes, equal to the whole number of members elected to each house, for the use of the members during the sessions of the legislature, un-

## CONCURRENT RESOLUTIONS.

such rules and regulations as shall be prescribed by the presiding officers of said houses.

By order,

JOHN F. BACON, *Clerk.*

*In Assembly, March 16, 1832.*

*Resolved,* That this house do concur with the senate in their said resolution.

By order,

FRANCIS SEGER, *Clerk.*

## STATE OF NEW-YORK.

*In Assembly, April 9, 1832.*

*Resolved,* (if the senate concur herein,) That after the present session, fifty copies of the documents and reports, in addition to the number now required, shall be printed, twenty of which shall be delivered to the clerks of the senate and assembly, for the use of their respective houses; and the remainder shall be delivered to the secretary of state, who shall furnish annually to the trustees of the New-York Society Library, the Albany Institute, the New-York Law Institute, and to each incorporated Atheneum of this state a copy of the same, together with a copy of the journals of each house.

By order,

FRANCIS SEGER, *Clerk.*

## STATE OF NEW-YORK.

*In Senate, April 19, 1832.*

*Resolved,* That the senate concur with the assembly in the foregoing resolution.

By order,

JOHN F. BACON, *Clerk.*

## STATE OF NEW-YORK.

*In Senate, April 13, 1832.*

*Resolved,* That the senate applaud the motives and approve the objects of the American Colonization Society, and have full confidence in the fidelity, discretion and ability of its executive officers.

*Resolved,* That as the said society proposes to remove or mitigate existing evils, and prevent or diminish apprehended

dangers, it deserves the confidence and encouragement of the American people.

*Resolved*, That the senate commend the said society to the consideration and patronage of the citizens of this state.

*Resolved*, That these resolutions be transmitted to the honorable the assembly for their consideration.

By order,

JOHN F. BACON, *Clerk*.

*In Assembly, April 16, 1832.*

*Resolved*, That the house concur with the senate in the sentiments expressed in the above resolutions.

By order,

F. SEGER, *Clerk*.

## STATE OF NEW-YORK.

*In Senate, April 16, 1832.*

*Resolved*, That the following amendment be proposed to the constitution, and that the same be referred to the legislature next to be chosen, and that the secretary of state cause the same to be published in one newspaper in each county in this state, in which a newspaper shall be published, for three months previous to the next election :

“The duties on the manufacture of salt, as established by the act of the fifteenth of April, 1817, or as may be established by any amendment to the constitution, and the duties on goods sold at auction as now established, excepting therefrom the sum of thirty-three thousand five hundred dollars otherwise appropriated by the said act, shall hereafter be and remain inviolably appropriated and applied to defraying the expenses of administering the government of this state; nor shall the duties on the manufacture of salt aforesaid, nor the duties on goods sold at auction as established as aforesaid, be at any time hereafter reduced, or diverted from the aforesaid object, until the full and complete payment of the principal and interest of the money borrowed to make and complete the Erie and Champlain canals.”

A majority of all the members elected to the senate voting in favor thereof.

EDW'D. P. LIVINGSTON, *President*.

Attest,

JOHN F. BACON, *Clerk*.

## CONCURRENT RESOLUTIONS.

## STATE OF NEW-YORK.

*In Assembly, April 25, 1832.*

**Resolved,** That the assembly do agree to the said amendment.

A majority of all the members elected to the assembly voting in favor thereof.

CHA'S L. LIVINGSTON, *Speaker.*

Attest,  
FRANCIS SEGER, *Clerk.*

# LAWS

OF THE

## STATE OF NEW-YORK,

PASSED AT THE FIFTY-FIFTH SESSION,

[SECOND MEETING.]

### CHAP. 333.

AN ACT for the preservation of the Public Health.

Passed June 22, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. All vessels, boats, rafts, and other craft, and all persons, hereafter arriving in any port or place within this state, from any part of Upper or Lower Canada, or from any other place out of this state in which the Asiatic or malignant cholera, or any other malignant disease, shall be known to exist, shall be subject to quarantine in the manner hereinafter provided.

Vessels, &c. subject to quarantine.

§ 2. It shall be the duty of the governor, forthwith, by proclamation, to make known that such quarantine exists; and to call upon all the magistrates and citizens of this state to aid in enforcing the same; and more especially; to enjoin on the officers of the cities, villages and towns hereinafter mentioned, the prompt and faithful discharge of the duties prescribed by this act.

Proclamation to be made.

§ 3. It shall be the duty of the common council of every city, and the trustees of every incorporated village in the several counties of this state, bounded by lakes Erie, Ontario and Champlain, or on the rivers St. Lawrence or Hudson, or bounded on, or intersected by, any of the canals of this state, in which city or village there is not now a board of health and health officer duly organized or appointed, forthwith to appoint a board of health, to consist of not less than three, nor more than seven persons, for such village, and a competent physician to be the health officer thereof.

Boards of health in certain cities and villages.

§ 4. The supervisors, overseers of the poor and justices of the peace, or the major part of them, of each town in the aforesaid counties, shall be a board of health for such town; and

in towns.

they shall forthwith appoint some competent physician to be the health officer for such town.

Their powers  
and duties.

§ 5. The several boards of health now organized in any city or village in this state, and the several boards of health to be constituted under this act, shall have power, and it shall be their duty,

1. Forthwith to meet in their respective cities, villages and towns, and to fix and determine the period of quarantine to which vessels or persons arriving in such city, village or town, from places as mentioned in the first section of this act, shall be subject; which period shall in no case be less than fifteen days: but the said board shall have power, after an examination of any vessel or person subjected to quarantine, to reduce the period of the quarantine of such vessel or person, if they shall deem it safe to do so.

2. To meet from time to time, and as often as they shall think expedient, for the performance of their duties under this act.

3. To prescribe the duties and powers of the health officer; to direct him from time to time in the performance thereof; and to fix the compensation he shall receive.

4. To make regulations, in their discretion, concerning the place and mode of quarantine; the examination and purification of vessels, boats and other craft not under quarantine; the treatment of vessels, articles and persons under quarantine; the discharge of such vessels, articles or persons thereof; the regulation of intercourse with infected places; the apprehension, separation and treatment of emigrants and other persons who shall have no fixed and permanent residence in this state; the suppression and removal of nuisances; and all such other regulations as they shall think necessary and proper for the preservation of the public health.

5. To procure suitable places for the reception of persons under quarantine, and persons sick of the Asiatic or malignant cholera, or any other malignant disease; and in all cases where sick persons can not otherwise be provided for, to procure for them proper medical and other attendance and provision.

6. To publish from time to time all such regulations as they shall have made, in such manner as to secure early and full publicity thereto.

7. To issue warrants to any constable of their respective cities, villages or towns, to apprehend and to remove such persons as can not otherwise be subjected to the regulations by them adopted; and whenever it shall be necessary so to do, to issue their warrant to the sheriff of their respective counties, to bring to their aid the power of the county: all which warrants shall be forthwith executed by the officers to whom they shall be directed, who shall possess the like powers and be

subject to the like duties in the execution thereof, as if the same had been duly issued out of any court of record in this state.

8. To employ all such persons as shall be necessary to enable them to carry into effect the regulations they shall have adopted and published, and the powers vested in them by this act.

§ 6. Every person who shall wilfully violate any regulations so to be made and published by any such board of health, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to fine and imprisonment, or both, at the discretion of the court; such fine not to exceed one thousand dollars, nor such imprisonment two years.

§ 7. Whenever the trustees of any incorporated village, of the supervisors, overseers of the poor and justices of the peace, or the major part of them, of any town within this state, not situated within any of the counties above mentioned, shall determine that it is expedient to constitute a board of health, and to appoint a health officer under the provisions of this act, they shall have power to do so; and from and after the publication of such their determination, and the appointment of such board of health and health officer, all the provisions of this act shall extend to such village or town.

§ 8. The governor shall have power to employ suitable agents to proceed to any part of this state, or to Upper or Lower Canada, for the purpose of procuring information in relation to the progress of the said disease, and the prevention or treatment thereof, or for any other purpose he may deem conducive to the public health; and it shall be his duty to communicate, by proclamation, any information so to be obtained, or which shall otherwise come to his knowledge, and which he shall deem useful; and in general to take all necessary measures for the purpose of causing this act to be faithfully executed.

§ 9. All expenses now incurred or to be incurred by the several boards of health in the execution of this act, shall be a charge on their respective counties, and shall be levied, collected and paid, under the direction of the said board of supervisors of the respective counties, in the same manner as other county charges are levied, collected and paid. All expenses to be incurred in the execution of the powers hereby vested in the governor, shall be paid out of the treasury of the state, on the warrant of the comptroller, after being first audited by him.

§ 10. This act shall take effect immediately on the passage thereof, and shall continue in force until the first day of February, one thousand eight hundred and thirty-three, unless the governor shall sooner declare, by proclamation, that there ex-

ists no sufficient reason for the continuance thereof; in which case all the provisions of this act, except the ninth section, shall, from the time of the receipt of such proclamation, cease and expire in the respective villages and towns in which the same shall have been in force.

Duty of  
secretary of  
state.

§ 11. The secretary of state shall cause copies of this act to be printed, and transmitted, in such manner as he shall think expedient, to the mayor of every city and the trustees of every incorporated village, and to the supervisors of every town in this state. The expense incurred under this section shall be audited by the comptroller, and on his warrant shall be paid out of the treasury of this state.

Poor-houses.

§ 12. Whenever any pestilence or contagious disease shall break out in any county poor-house in this state, or in the vicinity of any such county poor-house, and the physician to such county poor-house shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poor-house, the superintendents of such county poor-house shall have power to cause the persons supported at such poor-house, or any of them, to be removed to some other suitable place in the same county, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance, until they can be safely returned to the county poor-house, from which they were taken, or otherwise discharged.

County pri-  
sons.

§ 13. It shall be the duty of the inspectors of the county prisons to meet from time to time as they shall think proper, at the prisons and poor-houses in their respective counties, during the continuance of this act, to establish such rules and regulations as they may deem proper for the ventilation and purification of the prisons and poor-houses in their respective counties, and the preservation of the health of the persons kept in said prisons and poor-houses, and to cause such rules and regulations to be put in force.

## CHAP. 334.

*AN ACT to divide the State into Congressional Districts.*

Passed June 29, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. That for the election of representatives in the congress of the United States this state shall be divided into the following districts, namely: The counties of Suffolk and Queens shall compose the first district, and shall be entitled to elect



one member; the counties of Rockland, Richmond and Kings shall compose the second district, and shall be entitled to elect one member; the city and county of New-York shall compose the third district, and shall be entitled to elect four members; the counties of Westchester and Putnam shall compose the fourth district, and shall be entitled to elect one member; the county of Dutchess shall compose the fifth district, and shall be entitled to elect one member; the county of Orange shall compose the sixth district, and shall be entitled to elect one member; the counties of Ulster and Sullivan shall compose the seventh district, and shall be entitled to elect one member; the counties of Columbia, Greene and Schoharie shall compose the eighth district, and shall be entitled to elect two members; the county of Rensselaer shall compose the ninth district, and shall be entitled to elect one member; the city and county of Albany shall compose the tenth district, and shall be entitled to elect one member; the counties of Saratoga and Schenectady shall compose the eleventh district, and shall be entitled to elect one member; the county of Washington shall compose the twelfth district, and shall be entitled to elect one member; the counties of Warren, Essex and Clinton shall compose the thirteenth district, and shall be entitled to elect one member; the counties of St. Lawrence and Franklin shall compose the fourteenth district, and shall be entitled to elect one member; the counties of Montgomery and Hamilton shall compose the fifteenth district, and shall be entitled to elect one member; the counties of Herkimer and Lewis shall compose the sixteenth district, and shall be entitled to elect one member; the counties of Oneida and Oswego shall compose the seventeenth district, and shall be entitled to elect two members; the county of Jefferson shall compose the eighteenth district, and shall be entitled to elect one member; the county of Otsego shall compose the nineteenth district, and shall be entitled to elect one member; the counties of Delaware and Broome shall compose the twentieth district, and shall be entitled to elect one member; the county of Chenango shall compose the twenty-first district, and shall be entitled to elect one member; the counties of Cortland, Tompkins and Tioga shall compose the twenty-second district, and shall be entitled to elect two members; the counties of Onondaga and Madison shall compose the twenty-third district, and shall be entitled to elect two members; the county of Cayuga shall compose the twenty-fourth district, and shall be entitled to elect one member; the counties of Wayne and Seneca shall compose the twenty-fifth district, and shall be entitled to elect one member; the county of Ontario shall compose the twenty-sixth district, and shall be entitled to elect one member; the counties of Steuben and Yates shall compose the twenty-seventh district, and shall be entitled to elect one member; the coun-

ty of Monroe shall compose the twenty-eighth district, and shall be entitled to elect one member; the county of Genesee shall compose the twenty-ninth district, and shall be entitled to elect one member; the counties of Allegany and Livingston shall compose the thirtieth district, and shall be entitled to elect one member; the counties of Cattaraugus and Chautauque shall compose the thirty-first district, and shall be entitled to elect one member; the county of Erie shall compose the thirty-second district, and shall be entitled to elect one member; the counties of Niagara and Orleans shall compose the thirty-third district, and shall be entitled to elect one member.

## CHAP. 335.

*AN ACT to provide for the payment of certain Expenses of Government.*

Passed July 2, 1832.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

Allowance to  
committee on  
J. Trump-  
bour's claim.

§ 1. The treasurer shall pay, on the warrant of the comptroller, to Judah Hammond, John McDonald and Tobias L. Hogeboom, three dollars per day each, for thirty days, for their service as a committee, in investigating the claim of Jacob Trumpbour; and to Judah Hammond in addition, three dollars per day, for fourteen days by him devoted to arranging and completing of the report of the said committee.

Solomon  
Hays.

§ 2. There shall be paid to Solomon Hays three dollars per day, for thirty days service in attending said committee.

James D.  
Scollard.

§ 3. There shall be paid to James D. Scollard fifty-four dollars ninety-one cents, of actual expenses, and three dollars per day, for thirteen days employed in serving subpoenas issued by the said committee; and to Henry Weaver three dollars eighty-seven cents, for services rendered by direction of the said committee.

Clerks of  
senate and  
assembly.

§ 4. There shall be paid to the clerks of the senate and assembly, and to each of their deputies, the same compensation as is allowed to members of the legislature, for their attendance at, and travel to and from the capitol at the present session of the legislature.

### ERRATA :

Chap. 253, section 2, line 4, after the word Tuesday, read "of April."

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